

# EXHIBIT 23

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

-----X  
UNITED STATES, ET AL., :  
:  
Plaintiff, :  
:  
Case No. :  
v. : 1:23-cv-00108-LMB-JFA  
:  
GOOGLE LLC, :  
:  
Defendant. :  
-----X

VIDEOTAPED DEPOSITION OF SUSAN A. MCMEEN  
Thursday, September 7, 2023; 9:45 a.m. EDT

Reported by: Cindy L. Sebo, RMR, CRR, RPR, CSR, CCR,  
CLR, RSA, NYRCR, NYACR, CA CSR 14409, NJ CCR  
30XI00244600, NJ CRT 30XR00019500, Washington State CSR  
23005926, Oregon CSR 230105, TN CSR 998, NW CSR 589,  
Remote Counsel Reporter, LiveLitigation Authorized  
Reporter, Notary Public  
Job No. 6067835

<p style="text-align: right;">Page 2</p> <p>1 Videotaped Deposition of SUSAN A. MCMEEN,  2 held at the law offices of Paul, Weiss, Rifkind,  3 Wharton &amp; Garrison LLP, 2001 K Street, Northwest,  4 Washington, D.C. 20006, before Cindy L. Sebo,  5 Registered Merit Court Reporter, Certified Real-Time  6 Reporter, Registered Professional Reporter, Certified  7 Shorthand Reporter, Certified Court Reporter, Certified  8 LiveNote Reporter, Real-Time Systems Administrator,  9 California Shorthand Reporter 14409, New Jersey  10 Certified Court Reporter 30XI00244600, New Jersey  11 Certified Realtime Reporter 30XR00019500, New York  12 Realtime Certified Reporter, New York Association  13 Certified Reporter, Washington State CSR 23005926,  14 Oregon CSR 230105, Tennessee CSR 998, New Mexico  15 CSR 589, Remote Counsel Reporter, LiveLitigation  16 Authorized Reporter and Notary Public, beginning at  17 approximately 9:45 a.m. EDT, when were present on  18 behalf of the respective parties:  19  20  21  22</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S (Continued):  2 Attorneys for Plaintiff:  3 U.S. DEPARTMENT OF TRANSPORTATION  4 ERIN D. HENDRIXSON, ESQUIRE  5 ASHLEY SIMPSON, ESQUIRE  6 1200 New Jersey Avenue, Southeast  7 Washington, D.C. 20590  8 erin.hendrixson@usdot.gov  9 ashley.simpson@usdot.gov  10  11 Attorneys for Defendant:  12 PAUL, WEISS, RIFKIND, WHARTON &amp; GARRISON LLP  13 CARTER E. GREENBAUM, ESQUIRE  14 MARTHA L. GOODMAN, ESQUIRE  15 2001 K Street, Northwest  16 Washington, D.C. 20008-1047  17 cgreenbaum@paulweiss.com  18 mgoodman@paulweiss.com  19  20  21 ALSO PRESENT:  22 ORSON BRAITWAITHE, Videographer</p>
<p style="text-align: right;">Page 3</p> <p>1 A P P E A R A N C E S:  2 Attorneys for Plaintiff:  3 U.S. DEPARTMENT OF JUSTICE  4 ANTITRUST DIVISION  5 MARK H.M. SOSNOWSKY, ESQUIRE  6 DAVID GROSSMAN, ESQUIRE  7 ALVIN CHU, ESQUIRE  8 450 Fifth Street, Northwest  9 Washington, D.C. 20530  10 202.412.7316  11 mark.sosnowsky@usdoj.gov  12 david.grossman@usdoj.gov  13 alvin.chu@usdoj.gov  14  15  16  17  18  19  20  21  22</p>	<p style="text-align: right;">Page 5</p> <p>1 --oOo--  2 INDEX OF EXAMINATION  3 SUSAN A. MCMEEN  4 United States, et al. vs. Google, LLC  5 Thursday, September 7, 2023  6 --oOo--  7  8 EXAMINATION BY PAGE  9 Mr. Greenbaum 15, 187  10  11  12  13  14  15  16 CERTIFICATE OF REPORTER 426  17  18  19  20  21  22  23 ERRATA 428  24  25  26  27  28  29  30  31  32  33  34  35  36  37  38  39  40  41  42  43  44  45  46  47  48  49  50  51  52  53  54  55  56  57  58  59  60  61  62  63  64  65  66  67  68  69  70  71  72  73  74  75  76  77  78  79  80  81  82  83  84  85  86  87  88  89  90  91  92  93  94  95  96  97  98  99  100  101  102  103  104  105  106  107  108  109  110  111  112  113  114  115  116  117  118  119  120  121  122  123  124  125  126  127  128  129  130  131  132  133  134  135  136  137  138  139  140  141  142  143  144  145  146  147  148  149  150  151  152  153  154  155  156  157  158  159  160  161  162  163  164  165  166  167  168  169  170  171  172  173  174  175  176  177  178  179  180  181  182  183  184  185  186  187  188  189  190  191  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<p style="text-align: right;">Page 38</p> <p>1 foundation; form.</p> <p>2 THE WITNESS: Again, if I don't</p> <p>3 see the list -- and you're asking me to</p> <p>4 confirm a list that I don't know is -- I</p> <p>5 don't know what is in that list that is</p> <p>6 relevant.</p> <p>7 BY MR. GREENBAUM:</p> <p>8 Q. Okay. We'll get to that.</p> <p>9 A. Okay.</p> <p>10 Q. So I'd like to just start by</p> <p>11 talking about the process that NHTSA uses to</p> <p>12 advertise in general.</p> <p>13 In some of your documents, I've</p> <p>14 seen the term "digital advertising."</p> <p>15 What do you understand digital</p> <p>16 advertising to include?</p> <p>17 MR. SOSNOWSKY: Objection: form.</p> <p>18 THE WITNESS: So it has evolved</p> <p>19 over time, so it depends on exactly what</p> <p>20 time frame you're talking about. So that</p> <p>21 would be helpful if you could --</p> <p>22</p>	<p style="text-align: right;">Page 40</p> <p>1 what you mean by "direct" -- can you repeat that?</p> <p>2 Q. Does NHTSA engage in direct</p> <p>3 advertising deals with individual websites or --</p> <p>4 A. So NHTSA works with the ad agency</p> <p>5 on our behalf, who then works with them. We do</p> <p>6 not directly work with them.</p> <p>7 Q. Understood.</p> <p>8 Are those deals included under the</p> <p>9 umbrella of digital advertising?</p> <p>10 MR. SOSNOWSKY: Objection: form.</p> <p>11 THE WITNESS: Can you be a little</p> <p>12 more specific about what you mean,</p> <p>13 "deals"?</p> <p>14 BY MR. GREENBAUM:</p> <p>15 Q. The advertising -- are the</p> <p>16 advertisements that NHTSA engages in directly</p> <p>17 with publishers considered part of digital</p> <p>18 advertising?</p> <p>19 MR. SOSNOWSKY: Objection: form.</p> <p>20 THE WITNESS: So we don't -- we</p> <p>21 don't make deals in the world. We</p> <p>22 develop media -- all right. Let me state</p>
<p style="text-align: right;">Page 39</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. What do you understand the term</p> <p>3 "digital advertising" to include today?</p> <p>4 A. Okay. Thank you.</p> <p>5 So digital advertising is something</p> <p>6 that is provided electronically to a consumer,</p> <p>7 and it can come in many different channels and</p> <p>8 different ways.</p> <p>9 Q. What channels?</p> <p>10 A. It can go through the Internet; it</p> <p>11 can go through streaming; and it even can go</p> <p>12 through audio.</p> <p>13 Q. Does digital advertising include</p> <p>14 display advertising?</p> <p>15 A. Yes.</p> <p>16 Q. Does digital advertising include</p> <p>17 social media advertising?</p> <p>18 A. Yes.</p> <p>19 Q. Does it -- does digital advertising</p> <p>20 include direct deals with websites, like The</p> <p>21 New York Times, for example?</p> <p>22 A. I guess I'm not really clear on</p>	<p style="text-align: right;">Page 41</p> <p>1 this again.</p> <p>2 I have my ad agency develop a</p> <p>3 media buy plan, which then they present</p> <p>4 to us and how we're going to come -- buy</p> <p>5 media. And with that plan, we review it,</p> <p>6 discuss it and then eventually approve</p> <p>7 it.</p> <p>8 BY MR. GREENBAUM:</p> <p>9 Q. I think I'm asking a slightly</p> <p>10 different question than the one you're answering.</p> <p>11 I think it's much simpler.</p> <p>12 A. Okay.</p> <p>13 Q. My question is, Would an</p> <p>14 advertising -- advertisements that NHTSA engages</p> <p>15 on -- with involving a website be considered</p> <p>16 digital advertising?</p> <p>17 MR. SOSNOWSKY: Objection: form.</p> <p>18 THE WITNESS: It's hard to answer</p> <p>19 your question because it's so -- it's not</p> <p>20 specific. Because it's so broad, I -- I</p> <p>21 need more specifics to be able to answer</p> <p>22 it for you.</p>

<p style="text-align: right;">Page 42</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. And is that because the digital</p> <p>3 advertising is broad?</p> <p>4 A. Yes.</p> <p>5 Q. Does digital advertising include</p> <p>6 programmatic advertising?</p> <p>7 A. Yes.</p> <p>8 Q. Does it include in-app advertising?</p> <p>9 A. Yes. And you're referring to</p> <p>10 your -- the phone?</p> <p>11 Q. Yes.</p> <p>12 A. Yes.</p> <p>13 Q. Would it include connected TV?</p> <p>14 A. Yes. It --</p> <p>15 Well -- so this is where the --</p> <p>16 the -- the digital space is blending and</p> <p>17 blurring, because TV -- digital is part of TV in</p> <p>18 some sense because of how it's delivered.</p> <p>19 Q. Is --</p> <p>20 A. Let me --</p> <p>21 Q. -- digital out-of-home included</p> <p>22 under the umbrella of digital advertising?</p>	<p style="text-align: right;">Page 44</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. Is "digital advertising" a term</p> <p>3 that you typically use in the daily course of</p> <p>4 your business?</p> <p>5 A. We -- we do. It does kind of get</p> <p>6 interchangeable and kind of used broadly. A lot</p> <p>7 of times, it's referred to as "digital," not</p> <p>8 "digital advertising."</p> <p>9 Q. Is "programmatic advertising" a</p> <p>10 term that you would use regularly in your</p> <p>11 business?</p> <p>12 A. So it's -- I guess when you say in</p> <p>13 my business, what are you referring to?</p> <p>14 Q. In the course of your job</p> <p>15 responsibilities.</p> <p>16 A. So it's referring to my</p> <p>17 responsibilities when we're focusing on the media</p> <p>18 buy plan and the media buy summary. That's when</p> <p>19 we discuss it.</p> <p>20 Q. So what do you understand the term</p> <p>21 "programmatic advertising" to include?</p> <p>22 A. Can you give me a little bit more</p>
<p style="text-align: right;">Page 43</p> <p>1 MR. SOSNOWSKY: Objection: form.</p> <p>2 THE WITNESS: We don't -- so the</p> <p>3 way in which the media buyer explains it</p> <p>4 to us and the way we address it in our</p> <p>5 media buy plans, we always keep</p> <p>6 out-of-home separate. And the reason</p> <p>7 being is, typically, our campaigns have</p> <p>8 to be in and out in very specific times.</p> <p>9 We can't -- we -- except for a couple of</p> <p>10 our campaigns, the majority of them are</p> <p>11 just in and out in very specific dates.</p> <p>12 I can't always -- that can't always be</p> <p>13 controlled like that.</p> <p>14 BY MR. GREENBAUM:</p> <p>15 Q. So are there circumstances in which</p> <p>16 NHTSA would consider digital out-of-home</p> <p>17 advertising part of digital advertising?</p> <p>18 MR. SOSNOWSKY: Objection: form.</p> <p>19 THE WITNESS: To the best of my</p> <p>20 knowledge, the way in which we keep</p> <p>21 digital out-of-home is separate.</p> <p>22</p>	<p style="text-align: right;">Page 45</p> <p>1 specifics there?</p> <p>2 Q. If I were to use the term</p> <p>3 "programmatic advertising," what would you</p> <p>4 understand me to mean?</p> <p>5 MR. SOSNOWSKY: Objection: form.</p> <p>6 THE WITNESS: So in -- the way in</p> <p>7 which we look at it is, it's an</p> <p>8 opportunity to be able to -- on a more</p> <p>9 timely basis, be able to get into various</p> <p>10 different digital spaces and various</p> <p>11 different -- I'm trying to think of the</p> <p>12 right word for it -- organizations that</p> <p>13 were able to purchase and optimize the --</p> <p>14 the costs there.</p> <p>15 BY MR. GREENBAUM:</p> <p>16 Q. And you're familiar with the term</p> <p>17 "programmatic advertising"?</p> <p>18 A. Yes.</p> <p>19 Q. Are you familiar with the term</p> <p>20 "social media advertising"?</p> <p>21 A. Yes.</p> <p>22 Q. And what would that include?</p>

<p style="text-align: right;">Page 46</p> <p>1 A. So for us -- well, it can include</p> <p>2 in the world of advertising -- it can be, like,</p> <p>3 Facebook, Twitter, TikTok, Pinterest, YouTube.</p> <p>4 You know, there's a long list. Sorry. I can't</p> <p>5 remember them all, but --</p> <p>6 Q. That's fine.</p> <p>7 A. -- unfortunately, because I'm a</p> <p>8 Government agency, I'm not able to advertise in</p> <p>9 all those.</p> <p>10 Q. But you use the term "social media</p> <p>11 advertising" in your day-to-day responsibilities</p> <p>12 as a director of consumer information?</p> <p>13 A. When I'm referring to the media buy</p> <p>14 plan in some creative development, yes.</p> <p>15 Q. Have you ever heard of the term</p> <p>16 "walled garden"?</p> <p>17 A. No.</p> <p>18 Q. You don't use that term in the</p> <p>19 regular course of your business?</p> <p>20 MR. SOSNOWSKY: Objection: form.</p> <p>21 THE WITNESS: No.</p> <p>22</p>	<p style="text-align: right;">Page 48</p> <p>1 Q. So with those definitions in mind,</p> <p>2 I'd like to now talk about process that you used</p> <p>3 to purchase media advertising.</p> <p>4 Do you use an agency -- does NHTSA</p> <p>5 use an agency to purchase its media advertising?</p> <p>6 A. Yes, we do.</p> <p>7 Q. What agencies do you -- does NHTSA</p> <p>8 use?</p> <p>9 A. We use Stratacomm, and we use the</p> <p>10 Ad Council. And Stratacomm -- we have two</p> <p>11 different contracts with them.</p> <p>12 Q. What are your two contracts with</p> <p>13 Stratacomm?</p> <p>14 A. With the vehicle, and I'm going to</p> <p>15 just refer to it as "behavioral."</p> <p>16 Q. Okay.</p> <p>17 Do you work with Tom Brus?</p> <p>18 A. We used to.</p> <p>19 Q. And do you continue to work with</p> <p>20 Tom Brus as a subcontractor of Stratacomm?</p> <p>21 A. So we do not directly work with</p> <p>22 subcontractors.</p>
<p style="text-align: right;">Page 47</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. You don't use the term "walled</p> <p>3 garden" in your day-to-day responsibilities as</p> <p>4 director of consumer information?</p> <p>5 MR. SOSNOWSKY: Objection: form.</p> <p>6 THE WITNESS: No.</p> <p>7 BY MR. GREENBAUM:</p> <p>8 Q. Have you ever heard of the term</p> <p>9 "open Web display advertising"?</p> <p>10 A. I have heard of the term.</p> <p>11 Q. Do you use the term in the regular</p> <p>12 course of your activities as director of consumer</p> <p>13 information?</p> <p>14 A. No.</p> <p>15 Q. Without disclosing any</p> <p>16 conversations with counsel, can you tell me the</p> <p>17 first time you've heard that term, "open Web</p> <p>18 display advertising"?</p> <p>19 A. In the spring. I don't know</p> <p>20 exactly when.</p> <p>21 Q. And that's the spring of 2023?</p> <p>22 A. Correct.</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Why do you work with two -- at</p> <p>2 least two different agencies to purchase media at</p> <p>3 NHTSA?</p> <p>4 A. Which -- which contracts are you</p> <p>5 referring to?</p> <p>6 Q. Oh. Let me ask it this way: Why</p> <p>7 do you work with both Stratacomm and Ad Council</p> <p>8 to purchase media for NHTSA?</p> <p>9 A. So there's two different business</p> <p>10 models there. The Ad Council is a donated media.</p> <p>11 Primarily, they do a very small amount of media</p> <p>12 buying for us.</p> <p>13 Q. What does "donated media" mean?</p> <p>14 A. It refers to when media is provided</p> <p>15 by various different channels and organizations</p> <p>16 for free.</p> <p>17 Q. So NHTSA doesn't pay for media</p> <p>18 that's been donated?</p> <p>19 A. Correct.</p> <p>20 Q. Is Ad Council responsible for</p> <p>21 certain of your campaigns, and then Stratacomm is</p> <p>22 responsible for others?</p>

<p style="text-align: right;">Page 50</p> <p>1 MR. SOSNOWSKY: Objection: form.</p> <p>2 THE WITNESS: Yes, they -- they</p> <p>3 have different campaigns that they manage</p> <p>4 versus the other contracts.</p> <p>5 BY MR. GREENBAUM:</p> <p>6 Q. Which campaigns does Ad Council</p> <p>7 manage?</p> <p>8 A. They manage -- well, actually, do</p> <p>9 you -- can you tell me what you're -- what you</p> <p>10 would like to know or be more specific about</p> <p>11 that?</p> <p>12 Q. I would like to know which</p> <p>13 campaigns that Ad Council manages on behalf of</p> <p>14 NHTSA.</p> <p>15 MR. SOSNOWSKY: Objection: form.</p> <p>16 THE WITNESS: Okay. So I'll give</p> <p>17 you a list. I hope to be comprehensive,</p> <p>18 but I'll just give you the list --</p> <p>19 BY MR. GREENBAUM:</p> <p>20 Q. Okay.</p> <p>21 A. -- it is the Buzzed Driving is</p> <p>22 Drunk Driving; If You Feel Different, You Drive</p>	<p style="text-align: right;">Page 52</p> <p>1 for those campaigns?</p> <p>2 MR. SOSNOWSKY: Objection: form.</p> <p>3 THE WITNESS: I'm not -- I'm not</p> <p>4 understanding your question.</p> <p>5 BY MR. GREENBAUM:</p> <p>6 Q. Does NHTSA pay for the</p> <p>7 advertisements placed on, say, the Child Car</p> <p>8 Safety, The Right Seat campaign?</p> <p>9 MR. SOSNOWSKY: Objection: form.</p> <p>10 THE WITNESS: So we pay -- that's</p> <p>11 donated space, so we're not paying for</p> <p>12 the donated space. It's donated. It's</p> <p>13 free.</p> <p>14 BY MR. GREENBAUM:</p> <p>15 Q. By whom --</p> <p>16 A. -- so my --</p> <p>17 Q. -- is it donated?</p> <p>18 MR. SOSNOWSKY: I think -- sorry.</p> <p>19 Just if you could give her a chance to</p> <p>20 finish the answer. I think she was in</p> <p>21 the middle of her answer, but . . .</p> <p>22 THE WITNESS: I'm sorry. Repeat</p>
<p style="text-align: right;">Page 51</p> <p>1 Different; that's our -- The Right Seat</p> <p>2 [verbatim], which is our child car seat campaign;</p> <p>3 our heat-stroke campaign; and our</p> <p>4 Distracted Driving, which is the -- we actually</p> <p>5 just changed the -- the title of the campaign to</p> <p>6 Eyes Looking Forward.</p> <p>7 Are you -- yeah.</p> <p>8 Q. And do they also manage the -- did</p> <p>9 you say Heatstroke, Where's Baby campaign?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And for those campaigns, is</p> <p>12 all media donated to NHTSA?</p> <p>13 A. So it's -- when you say it's</p> <p>14 donated to NHTSA, we actually work with the</p> <p>15 Ad Council, who then places the ads in donated</p> <p>16 media for us --</p> <p>17 Q. But has --</p> <p>18 A. -- so they're not given -- I mean,</p> <p>19 in a sense, they are, but they're not. They're</p> <p>20 actually taking our ads and placing it in donated</p> <p>21 space.</p> <p>22 Q. So who pays for the advertisements</p>	<p style="text-align: right;">Page 53</p> <p>1 the question now.</p> <p>2 BY MR. GREENBAUM:</p> <p>3 Q. By whom is the advertisement -- are</p> <p>4 the advertisement dollars donated to NHTSA for</p> <p>5 the campaign Child Car Safety, The Right Seat?</p> <p>6 MR. SOSNOWSKY: Objection: form.</p> <p>7 THE WITNESS: I don't believe that</p> <p>8 was your last question.</p> <p>9 BY MR. GREENBAUM:</p> <p>10 Q. By whom is it donated?</p> <p>11 The question is, Does NHTSA pay for</p> <p>12 the advertisements placed on, say, the Child Care</p> <p>13 Safety, The Right Seat campaign?</p> <p>14 And then, by whom is it donated?</p> <p>15 A. So I'll ask -- I -- I believe I was</p> <p>16 in the process of answering the second half of</p> <p>17 that question, to whom.</p> <p>18 It could be anyone. It can be the</p> <p>19 outdoor billboard spaces. It could be online.</p> <p>20 It could be TV. It could be anywhere where a</p> <p>21 organization has donated space. It can be in</p> <p>22 social media. It can be influencers. It can be</p>



<p style="text-align: right;">Page 54</p> <p>1 a long -- I mean, it's a long list.</p> <p>2 I can't tell you exactly everything</p> <p>3 that -- where it's donated, but it's in all media</p> <p>4 channels.</p> <p>5 Q. But is it fair to say that NHTSA</p> <p>6 does not pay for the media that is donated to the</p> <p>7 child care safety, The Right Seat campaign?</p> <p>8 A. So --</p> <p>9 MR. SOSNOWSKY: Objection: form.</p> <p>10 THE WITNESS: -- so that -- when I</p> <p>11 say "it's donated," it means space that</p> <p>12 it's going to be in.</p> <p>13 I'll give you an example: TV.</p> <p>14 There's a 30-second spot available. We</p> <p>15 place -- the Ad Council, on behalf of</p> <p>16 NHTSA, places that 30-second spot, and it</p> <p>17 runs for free. There's no charge to</p> <p>18 NHTSA for that actual space, but there's</p> <p>19 other fees associated. Like, there may</p> <p>20 be a distribution fee. There may be fee</p> <p>21 -- labor fee from Ad Council.</p> <p>22 I mean, there's a lot of other</p>	<p style="text-align: right;">Page 56</p> <p>1 That spot runs. There is no charge from CPS --</p> <p>2 CBS to Ad Council for that spot on behalf of</p> <p>3 NHTSA. All right? So that space is free. When</p> <p>4 I say "donated," it's literally free.</p> <p>5 Q. Okay.</p> <p>6 A. Okay.</p> <p>7 Q. I think I understand now.</p> <p>8 A. Thank you.</p> <p>9 Q. What are the general categories of</p> <p>10 advertising inventory that NHTSA purchases?</p> <p>11 MR. SOSNOWSKY: Objection: form.</p> <p>12 THE WITNESS: When you mean -- can</p> <p>13 you explain to me what you mean by</p> <p>14 inventories?</p> <p>15 BY MR. GREENBAUM:</p> <p>16 Q. What type of -- how do you</p> <p>17 categorize the different types of media that you</p> <p>18 can purchase?</p> <p>19 A. So NHTSA, on behalf of our ad</p> <p>20 agency, does -- we purchase our media. NHTSA</p> <p>21 never directly purchases media.</p> <p>22 Q. What are the -- what are the -- how</p>
<p style="text-align: right;">Page 55</p> <p>1 background, so I'm just purely talking</p> <p>2 about the space in which it goes into</p> <p>3 when I say "donated."</p> <p>4 And then there is -- as I</p> <p>5 explained earlier, they do a very small</p> <p>6 paid media buy for us for some of the</p> <p>7 campaigns.</p> <p>8 BY MR. GREENBAUM:</p> <p>9 Q. Okay. And so you referred to --</p> <p>10 you referred to "distribution fees."</p> <p>11 Are there any other fees that you</p> <p>12 would pay for media placed on, say, the Child Car</p> <p>13 Safety, The Right Seat campaign?</p> <p>14 MR. SOSNOWSKY: Objection: form.</p> <p>15 THE WITNESS: So -- let me go back</p> <p>16 to my example, the TV spot.</p> <p>17 BY MR. GREENBAUM:</p> <p>18 Q. Please do.</p> <p>19 A. So -- I'm just going to make up --</p> <p>20 NBC has offered a 30-second spot --</p> <p>21 Q. Okay.</p> <p>22 A. At somewhere like 9:00 a.m. Okay?</p>	<p style="text-align: right;">Page 57</p> <p>1 would you categorize the different types of media</p> <p>2 that your agency purchases on your behalf?</p> <p>3 A. Okay. So can you give me a little</p> <p>4 bit of time, because it has changed over time?</p> <p>5 Q. Well, let's start with now.</p> <p>6 What are the general categories of</p> <p>7 advertising inventory that NHTSA's agencies</p> <p>8 purchase on its behalf today?</p> <p>9 A. Okay. So just because of the way</p> <p>10 my world works, we don't talk about inventories,</p> <p>11 but we talk about space --</p> <p>12 Q. Okay.</p> <p>13 A. -- or an ad, we place an ad.</p> <p>14 We buy in TV --</p> <p>15 Q. Okay.</p> <p>16 A. -- radio, digital, out-of-home</p> <p>17 and -- and I may have forgotten a category, but,</p> <p>18 you know, that's the best of my knowledge, those</p> <p>19 buckets. And then within those buckets, there's</p> <p>20 other things.</p> <p>21 Q. Digital. What is -- what did you</p> <p>22 include in digital?</p>



<p style="text-align: right;">Page 58</p> <p>1 A. Digital can run from banner ads to 2 paid social media. It can be programmatic. It 3 can be gaming. You know, there's that -- that 4 world is changing so much, that's like a 5 big-bucket areas. And as I explained earlier, 6 digital is blending with TV and radio, so it's 7 not a straightforward, just clean buckets 8 anymore. 9 Q. Would you call those different 10 spaces "channels"? 11 MR. SOSNOWSKY: Objection: form. 12 THE WITNESS: Are you referring to 13 the big buckets? Yes. 14 Even the smaller buckets, too, 15 yes. 16 BY MR. GREENBAUM: 17 Q. Does NHTSA distribute its 18 advertising spend across various channels? 19 MR. SOSNOWSKY: Objection: form. 20 THE WITNESS: I would not use -- 21 the word "spread" is -- I'm not sure 22 exactly what you mean by "spread."</p>	<p style="text-align: right;">Page 60</p> <p>1 Q. Correct. 2 A. All right. They do that to 3 optimize and reach the targeted audience during 4 the particular time and budget that we have for 5 our various campaigns. 6 Q. Within the display category, what 7 tactics or strategies does NHTSA or its ad agency 8 use to purchase display advertisements? 9 MR. SOSNOWSKY: Objection: form. 10 THE WITNESS: Can you be a little 11 bit more -- clarify "strategies" or just 12 repeat the question and then provide a 13 little bit more specifics? 14 BY MR. GREENBAUM: 15 Q. Well, what do you understand a 16 "strategy" to mean in the context of purchasing 17 advertisements? 18 A. For our current campaigns? 19 Okay. So our strategy is to get 20 the reach and frequency to get the message across 21 to our target audience. 22 Q. And are there different ways that</p>
<p style="text-align: right;">Page 59</p> <p>1 BY MR. GREENBAUM: 2 Q. Does NHTSA purchase display ads, or 3 does -- does NHTSA's -- strike that. 4 Does NHTSA's media agency purchase 5 display ads on behalf of NHTSA? 6 A. Yes. 7 Q. Does NHTSA's media agency purchase 8 connected TV ads on behalf of NHTSA? 9 A. Yes. 10 Q. Do they purchase social media ads 11 on behalf of NHTSA? 12 A. Yes. 13 Q. Do they purchase radio ads on 14 behalf of NHTSA? 15 A. Yes. 16 Q. So do they purchase multiple forms 17 of media on behalf of NHTSA? 18 A. Yes. 19 Q. Why do they purchase across these 20 multiple channels? 21 A. I'm assuming you're referring to 22 "they" as the ad agency, correct?</p>	<p style="text-align: right;">Page 61</p> <p>1 NHTSA or its ad agency can employ to get the 2 reach and frequency it needs to get its message 3 -- message across? 4 A. Can you repeat that? 5 It's little long, so I just want to 6 make sure I understand it. 7 Q. Are there different ways that NHTSA 8 or its ad agency can employ to get the reach and 9 frequency it needs to get its message across? 10 A. So the agency, on behalf of NHTSA, 11 does the media buy plan that provides the reach 12 and frequency we need for a particular campaign. 13 Q. Within the display category, do you 14 understand the term "direct display advertising"? 15 A. That term isn't the way we use it. 16 Q. What would be the way you would use 17 it? 18 MR. SOSNOWSKY: Objection: form. 19 THE WITNESS: We just use more of 20 "display advertising" or advertise -- you 21 know, "digital advertising." 22</p>

<p style="text-align: right;">Page 78</p> <p>1 So, really, that is one of the</p> <p>2 main purposes for that document and also</p> <p>3 for us to use. But mostly, when we</p> <p>4 develop it, we're doing it in such a way</p> <p>5 so that the states and local communities</p> <p>6 can pick it up and understand then what</p> <p>7 has -- what is NHTSA planning on</p> <p>8 purchasing so they can develop their own</p> <p>9 plans.</p> <p>10 BY MR. GREENBAUM:</p> <p>11 Q. And setting aside the, you know,</p> <p>12 media buy recommendation or the deliverable that</p> <p>13 you are -- your ad agency provides, do they</p> <p>14 typically bundle media purchases by channel or</p> <p>15 medium?</p> <p>16 MR. SOSNOWSKY: Objection: form.</p> <p>17 THE WITNESS: So I wouldn't want</p> <p>18 to say that all of these are always</p> <p>19 included. Some may, some not. They've</p> <p>20 changed over time, too. So I really need</p> <p>21 to know exactly when you're asking this</p> <p>22 or if -- what your question -- how -- you</p>	<p style="text-align: right;">Page 80</p> <p>1 differently depending upon a campaign.</p> <p>2 Can we take a break in just a</p> <p>3 few minutes?</p> <p>4 MR. GREENBAUM: Now's a good time.</p> <p>5 THE WITNESS: Okay. Great.</p> <p>6 THE VIDEOGRAPHER: The time is</p> <p>7 10:47 a.m. This ends Unit 1. We're off</p> <p>8 the record.</p> <p>9 --oOo--</p> <p>10 (Whereupon, a recess was taken from</p> <p>11 10:47 a.m. EDT to 11:02 a.m. EDT.)</p> <p>12 --oOo--</p> <p>13 THE VIDEOGRAPHER: The time is</p> <p>14 11:02 a.m. This begins Unit Number 2.</p> <p>15 We're on the record.</p> <p>16 MR. SOSNOWSKY: Okay. Counsel,</p> <p>17 actually, something that -- you both kind</p> <p>18 of trail off in your question and your</p> <p>19 answer. So if you could just both be</p> <p>20 careful that one is finished before you</p> <p>21 respond and that you finish your answer</p> <p>22 before you ask, I'd appreciate it,</p>
<p style="text-align: right;">Page 79</p> <p>1 know, specifically what you're asking.</p> <p>2 BY MR. GREENBAUM:</p> <p>3 Q. Are media purchases recommendations</p> <p>4 typically bundled according to the channel and</p> <p>5 medium, in your experience?</p> <p>6 A. So --</p> <p>7 MR. SOSNOWSKY: Objection: form.</p> <p>8 THE WITNESS: -- so, as I had</p> <p>9 mentioned earlier, we don't really bundle</p> <p>10 things; we put them in buckets and</p> <p>11 categories. So, you know, that's what --</p> <p>12 how the agency will present it to us.</p> <p>13 The titles may change because</p> <p>14 media is changing.</p> <p>15 BY MR. GREENBAUM:</p> <p>16 Q. What's in the category that's</p> <p>17 listed as Custom here below?</p> <p>18 MR. SOSNOWSKY: Objection:</p> <p>19 foundation.</p> <p>20 THE WITNESS: I don't know, given</p> <p>21 just seeing this, what the intent was</p> <p>22 because it could be interpreted</p>	<p style="text-align: right;">Page 81</p> <p>1 because I get lost sometimes.</p> <p>2 BY MR. GREENBAUM:</p> <p>3 Q. You can put the document aside for</p> <p>4 a second.</p> <p>5 A. Okay.</p> <p>6 Q. Speaking generally about the</p> <p>7 process NHTSA uses to purchase advertising, what</p> <p>8 input does -- does your team have on which</p> <p>9 channels are used to advertise on behalf of</p> <p>10 NHTSA?</p> <p>11 A. Are you referring to a particular</p> <p>12 time period or --</p> <p>13 Q. Let's start with today.</p> <p>14 A. Okay. So we look -- NHTSA looks to</p> <p>15 the ad agency to bring forth the appropriate</p> <p>16 channels to use in our paid media campaigns.</p> <p>17 Q. Does your team have any input on</p> <p>18 that channel mix?</p> <p>19 A. We look to our ad agency to provide</p> <p>20 us the expertise of media buying to give us the</p> <p>21 best approach in how to reach our target</p> <p>22 audience.</p>

<p style="text-align: right;">Page 82</p> <p>1 Q. And do you rely on your media</p> <p>2 agency to recommend the right channel mix to</p> <p>3 purchase advertising to reach NHTSA's goals?</p> <p>4 A. Yes, we do rely on them -- their</p> <p>5 expertise in bringing the recommendations forth.</p> <p>6 Q. And are you familiar with the</p> <p>7 platforms that your agencies use to purchase</p> <p>8 advertising on behalf of NHTSA?</p> <p>9 MR. SOSNOWSKY: Objection: form.</p> <p>10 THE WITNESS: Can you be a little</p> <p>11 more specific about "the platforms?"</p> <p>12 BY MR. GREENBAUM:</p> <p>13 Q. What do you understand me to mean</p> <p>14 when I use the term "platform used to purchase</p> <p>15 advertising"?</p> <p>16 MR. SOSNOWSKY: Objection: form.</p> <p>17 THE WITNESS: So "platforms" can</p> <p>18 mean a lot of different things. That's</p> <p>19 why I ask.</p> <p>20 There are media buying tools that</p> <p>21 are used. There is research information</p> <p>22 they use to determine what's happening</p>	<p style="text-align: right;">Page 84</p> <p>1 agencies to choose the most efficient platform or</p> <p>2 media-buying tool to purchase advertising for</p> <p>3 NHTSA?</p> <p>4 MR. SOSNOWSKY: Objection: form.</p> <p>5 THE WITNESS: Can you repeat the</p> <p>6 question?</p> <p>7 BY MR. GREENBAUM:</p> <p>8 Q. I would, but the realtime -- it</p> <p>9 looks like it's down.</p> <p>10 MR. GREENBAUM: Should we go off</p> <p>11 the record for a second?</p> <p>12 THE WITNESS: Okay.</p> <p>13 CERTIFIED STENOGRAPHER: Yes,</p> <p>14 please.</p> <p>15 THE VIDEOGRAPHER: The time is</p> <p>16 11:06 a.m. We're off the record.</p> <p>17 --oOo--</p> <p>18 (Whereupon, a discussion was held</p> <p>19 off the record.)</p> <p>20 --oOo--</p> <p>21 THE VIDEOGRAPHER: The time is</p> <p>22 11:12 a.m. We're on the record.</p>
<p style="text-align: right;">Page 83</p> <p>1 with a particular target audience and how</p> <p>2 they're consuming media.</p> <p>3 BY MR. GREENBAUM:</p> <p>4 Q. Are there any other -- are there</p> <p>5 any other ways that you would define "platforms</p> <p>6 used to purchase advertising" other than</p> <p>7 media-buying tools and research?</p> <p>8 A. At this point right now, it's what</p> <p>9 I can recall to the best of my knowledge.</p> <p>10 Q. Are you familiar with the media</p> <p>11 buying tools that your agencies use to purchase</p> <p>12 advertising on behalf of NHTSA?</p> <p>13 A. No, I don't.</p> <p>14 Q. Okay. Would you and your team have</p> <p>15 any input into which media buying tools are used</p> <p>16 by your agencies to purchase advertising?</p> <p>17 MR. SOSNOWSKY: Objection: form.</p> <p>18 THE WITNESS: So, again, I look to</p> <p>19 them for their expertise in how they do</p> <p>20 their job. That's why we hire them.</p> <p>21 BY MR. GREENBAUM:</p> <p>22 Q. And do you rely on your media</p>	<p style="text-align: right;">Page 85</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. Ms. McMeen, a moment -- a moment</p> <p>3 ago, we left off with the question, Would you</p> <p>4 rely on your media agency to choose the most</p> <p>5 efficient media buying tools to achieve NHTSA's</p> <p>6 advertising goals --</p> <p>7 MR. SOSNOWSKY: Objection --</p> <p>8 BY MR. GREENBAUM: --</p> <p>9 Q. -- to purchase advertisements?</p> <p>10 MR. SOSNOWSKY: -- objection:</p> <p>11 form.</p> <p>12 THE WITNESS: We look to our --</p> <p>13 (Interruption in the proceedings.)</p> <p>14 THE WITNESS: Oh, okay.</p> <p>15 -- we look to our ad agency to</p> <p>16 provide the expertise to prepare the</p> <p>17 media buy plan and whatever tools they</p> <p>18 need to use for that to do it and then to</p> <p>19 execute it.</p> <p>20 BY MR. GREENBAUM:</p> <p>21 Q. So when you say that you look to</p> <p>22 your ad agency to -- to provide the expertise to</p>

<p style="text-align: right;">Page 86</p> <p>1 prepare the media buy plan and whatever tools 2 they need to use to execute it, do -- does that 3 mean that you rely on them to use the most 4 efficient tools to execute a campaign? 5 MR. SOSNOWSKY: Objection: form. 6 THE WITNESS: Can you be a little 7 bit -- give me a little bit more -- 8 because the -- I'm sorry. 9 Can you repeat the -- the last 10 part of the question? 11 MR. GREENBAUM: Could the court 12 reporter please read that back? 13 --oOo-- 14 (Whereupon, the certified 15 stenographer read back the 16 pertinent part of the record.) 17 --oOo-- 18 THE WITNESS: I -- I have an issue 19 with "efficient" because I look to them 20 to provide the best tool to use to do 21 their job. 22</p>	<p style="text-align: right;">Page 88</p> <p>1 buyer to do that job. 2 Q. Earlier, you said that NHTSA does 3 not directly purchase advertisements. 4 What did you mean when you said 5 that NHTSA does not directly purchase 6 advertisements? 7 A. The ad agency, on our behalf, 8 purchases our paid media. 9 Q. And what did you mean -- what do 10 you understand the word "directly" to mean? 11 A. That we would pay a particular 12 vendor for space. 13 Q. And in this case, it's your ad 14 agency that's paying the vendor for the space; is 15 that right? 16 A. On our behalf -- 17 MR. SOSNOWSKY: Objection: form. 18 THE WITNESS: -- on our behalf, 19 they do that. 20 MR. GREENBAUM: Let's turn to 21 Tab 5 in the binder, which is 22 NHTSA-ADS-0384417. And I'll mark that as</p>
<p style="text-align: right;">Page 87</p> <p>1 BY MR. GREENBAUM: 2 Q. What's your issue with the word 3 "efficient"? 4 A. Because I have no way of gauging 5 efficiency. 6 Q. But you are relying on your ad 7 agencies to use the best tools to execute a 8 campaign on behalf of NHTSA; is that accurate? 9 A. Yes. 10 Q. So after the recommendations are 11 made, who negotiates a purchase of advertisement 12 on behalf of NHTSA? 13 A. Our ad agency. 14 Q. What is NHTSA's role in purchasing 15 advertisements? 16 A. Our role is to allow our ad agency, 17 who we've hired, to do that job. 18 Q. Do you have any role -- does 19 NHTSA -- strike that. 20 Does NHTSA have any role in 21 negotiating purchases of ad -- advertisements? 22 A. No. That is the role of the media</p>	<p style="text-align: right;">Page 89</p> <p>1 101, Exhibit 101. 2 --oOo-- 3 (Deposition Exhibit Number 101, 4 E-mail string with attachment, 5 Bates stamped 6 NHTSA-ADS-0000384417 through 7 NHTSA-ADS-0000384452, marked for 8 identification, as of this date.) 9 --oOo-- 10 BY MR. GREENBAUM: 11 Q. The top e-mail should be an e-mail 12 from you to shelpak@verizon.net. 13 Do you see that? 14 A. Yes. 15 Q. Do you recognize the e-mail 16 shelpak@verizon.net? 17 A. Yes. 18 Q. Whose e-mail does that belong to? 19 A. That is my e-mail. 20 Q. Okay. It's dated October 25th, 21 2020 at 8:39 a.m. -- 22 A. Oh, I'm sorry.</p>

<p style="text-align: right;">Page 90</p> <p>1           Where is -- oh, this one up here</p> <p>2   (indicating).</p> <p>3       Q.   Yeah.</p> <p>4       A.   Okay.</p> <p>5       Q.   So --</p> <p>6       A.   Is it the one at the very top</p> <p>7   you're referring to?</p> <p>8       Q.   That's correct.</p> <p>9       A.   Okay.</p> <p>10      Q.   Do you see that that top e-mail is</p> <p>11   dated October 25th, 2022?</p> <p>12      A.   Yes.</p> <p>13      Q.   Okay. Let's go to the second page,</p> <p>14   the very bottom e-mail with Bates ending in 418.</p> <p>15   It's an e-mail from Julie Vallese. And she</p> <p>16   writes, [as read] Susan, I gave you the heads up</p> <p>17   this would be coming our way — and now it has.</p> <p>18   Ann has asked for an HVE campaign program brief.</p> <p>19           Do you know who Julie is referring</p> <p>20   to, who Ann refers to?</p> <p>21      A.   Yes. Ann is our acting</p> <p>22   administrator currently for the National Highway</p>	<p style="text-align: right;">Page 92</p> <p>1   to?</p> <p>2           MR. SOSNOWSKY: Objection:</p> <p>3   foundation.</p> <p>4           THE WITNESS: It is the monies</p> <p>5   that the -- that Congress provides NHTSA</p> <p>6   for -- to do specific campaigns.</p> <p>7           BY MR. GREENBAUM:</p> <p>8       Q.   Do you recall -- and who does</p> <p>9   "James" refer to?</p> <p>10      MR. SOSNOWSKY: Objection:</p> <p>11   foundation.</p> <p>12      THE WITNESS: James at the -- in</p> <p>13   reference was the -- the acting -- I</p> <p>14   believe he was the acting -- I can't</p> <p>15   remember if he was the acting</p> <p>16   administrator or if he was the</p> <p>17   administrator at that time.</p> <p>18      BY MR. GREENBAUM:</p> <p>19      Q.   Do you recall giving a presentation</p> <p>20   to James on the High-Visibility-Enforcement</p> <p>21   campaigns that NHTSA runs?</p> <p>22      A.   I cannot recall if I gave the</p>
<p style="text-align: right;">Page 91</p> <p>1   Traffic Safety Administration.</p> <p>2       Q.   Do you have an understanding as to</p> <p>3   what an HVE campaign program brief is?</p> <p>4       A.   I understand what the High</p> <p>5   Visibility Enforcement is and a brief is, but I</p> <p>6   don't know specifically to which one this</p> <p>7   pertains to.</p> <p>8       Q.   Okay. So "HVE" stands for</p> <p>9   High Visibility Enforcement?</p> <p>10      A.   Correct.</p> <p>11      Q.   And that's one of the campaigns</p> <p>12   that NHTSA runs?</p> <p>13      A.   So High Visibility Enforcement is a</p> <p>14   description.</p> <p>15      Q.   So it includes multiple campaigns?</p> <p>16      A.   It includes separate, distinct</p> <p>17   campaigns.</p> <p>18      Q.   Okay. She writes, I think we put</p> <p>19   one together for James that gave him the overview</p> <p>20   of our campaigns (statutory mandate, types of</p> <p>21   campaigns, effectiveness, data).</p> <p>22           What does "statutory mandate" refer</p>	<p style="text-align: right;">Page 93</p> <p>1   presentation or if I gave it with Julie or Julie</p> <p>2   gave it at this point.</p> <p>3       Q.   But you recall there was a</p> <p>4   presentation --</p> <p>5       A.   Yes.</p> <p>6       Q.   Okay.</p> <p>7           MR. SOSNOWSKY: Just let him --</p> <p>8   let him finish his questions.</p> <p>9           BY MR. GREENBAUM:</p> <p>10      Q.   So if you scroll up to the next</p> <p>11   e-mail, Friday, September 30th, 2022, you send an</p> <p>12   e-mail to Julie. You say, Is this the</p> <p>13   presentation you're referring to?</p> <p>14           You see that?</p> <p>15      A.   Yes.</p> <p>16      Q.   Then she responds, says, No?</p> <p>17      A.   Oh. I'm sorry.</p> <p>18           I see. Let me know if this -- that</p> <p>19   -- if this is what you're thinking of.</p> <p>20           Is there another --</p> <p>21      Q.   Oh. It's two e-mails up.</p> <p>22      A.   Oh, down below. Okay.</p>

<p style="text-align: right;">Page 94</p> <p>1 Sorry.</p> <p>2 Q. Is this -- so the first e-mail, at</p> <p>3 9:22 a.m., you say, Is this the presentation you</p> <p>4 are referring to?</p> <p>5 A. I see that.</p> <p>6 Q. Okay. Julie responds at 9:25 a.m.</p> <p>7 She says, No; that's the OCCI overview</p> <p>8 presentation?</p> <p>9 A. I see that.</p> <p>10 Q. Okay.</p> <p>11 I'm just getting context for the</p> <p>12 later e-mails.</p> <p>13 A. No worries.</p> <p>14 Q. 11:24 a.m., you say, Hi, Julie.</p> <p>15 Let me know if this is what you were thinking of.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Monday, October 3rd, the</p> <p>19 next e-mail up, say, Wanted to confirm that the</p> <p>20 attached documents are what you wanted to use.</p> <p>21 And if you keep going -- you can</p> <p>22 read through yourself -- you trade e-mails with</p>	<p style="text-align: right;">Page 96</p> <p>1 title at that point because it's changed.</p> <p>2 Q. Okay. And then Julie sends you an</p> <p>3 e-mail that just says, Updated, on October 24th?</p> <p>4 A. Um-hum.</p> <p>5 Q. And then you forward it to</p> <p>6 yourself, right?</p> <p>7 A. Right.</p> <p>8 Q. And it's got an attachment?</p> <p>9 A. It -- it appears that it does.</p> <p>10 Q. Okay. So the attachment is found</p> <p>11 at Bates ending at 4420.</p> <p>12 Do you want to go to that document?</p> <p>13 A. Yes, right here (indicating). Yep.</p> <p>14 Q. Do you recall giving a presentation</p> <p>15 to Acting Administrator Ann Carlson on NHTSA's</p> <p>16 paid media campaigns?</p> <p>17 MR. SOSNOWSKY: Objection: form.</p> <p>18 THE WITNESS: I can recall that</p> <p>19 we've had discussions. I just don't know</p> <p>20 exactly which presentation, at what time</p> <p>21 and who was in attendance.</p> <p>22</p>
<p style="text-align: right;">Page 95</p> <p>1 Julie with edits to the presentation.</p> <p>2 Do you see that?</p> <p>3 A. I see at 12:31 and October 7th.</p> <p>4 Which one are you referring to now?</p> <p>5 Q. The series of e-mails on</p> <p>6 October 31st, 2022 -- or October 7th, 2022, you</p> <p>7 provide --</p> <p>8 A. Right.</p> <p>9 Q. -- a version. Then Julie responds</p> <p>10 with her edits -- do you see that -- at 4:33?</p> <p>11 A. Yes.</p> <p>12 MR. SOSNOWSKY: Objection.</p> <p>13 BY MR. GREENBAUM:</p> <p>14 Q. And then at 12:16 p.m. on</p> <p>15 October 24th, you say -- you write to Julie,</p> <p>16 Please see the attached -- the updated</p> <p>17 presentation for Ann.</p> <p>18 A. Yes, I see that.</p> <p>19 Q. And "Ann" refers to the acting</p> <p>20 administrator for NHTSA?</p> <p>21 A. I can't recall at this time if she</p> <p>22 is the -- the deputy or the acting or her exact</p>	<p style="text-align: right;">Page 97</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. Do you recall this presentation?</p> <p>3 A. I have to review it first.</p> <p>4 (Whereupon, the witness reviews</p> <p>5 the material provided.)</p> <p>6 BY MR. GREENBAUM:</p> <p>7 Q. We can review every page as we go</p> <p>8 through the questions.</p> <p>9 My question at this stage is, Do</p> <p>10 you recall the presentation in general terms?</p> <p>11 A. So as --</p> <p>12 MR. SOSNOWSKY: If you need more</p> <p>13 time to review it to answer the question.</p> <p>14 THE WITNESS: -- because the --</p> <p>15 it's hard to know, given the versions</p> <p>16 here, what I'm looking at. I can't tell</p> <p>17 if the last attachment was, in fact, this</p> <p>18 presentation.</p> <p>19 BY MR. GREENBAUM:</p> <p>20 Q. Setting aside versions, do you</p> <p>21 recall giving a presentation to Acting</p> <p>22 Administrator Ann Carlson on NHTSA paid media</p>

25 (Pages 94 - 97)



<p style="text-align: right;">Page 98</p> <p>1 campaigns?</p> <p>2 MR. SOSNOWSKY: Objection: form.</p> <p>3 THE WITNESS: As I referenced</p> <p>4 earlier, I do not exactly recall, because</p> <p>5 we have several presentations. I just</p> <p>6 can't remember if this one -- actually I</p> <p>7 gave it or my boss gave it or if we did</p> <p>8 it together or if she did it. I just</p> <p>9 can't recall.</p> <p>10 BY MR. GREENBAUM:</p> <p>11 Q. That's fine. Not a memory test.</p> <p>12 A. Thank you.</p> <p>13 Q. I -- I don't mean it to be. I just</p> <p>14 want to use this to help guide our conversations.</p> <p>15 A. Sure.</p> <p>16 Q. So let's go to the page Bates</p> <p>17 ending in 422.</p> <p>18 What, if anything, is depicted in</p> <p>19 this slide about the three types of campaigns</p> <p>20 that NHTSA runs?</p> <p>21 (Whereupon, the witness reviews</p> <p>22 the material provided.)</p>	<p style="text-align: right;">Page 100</p> <p>1 awareness with increased local enforcement to</p> <p>2 prevent and deter.</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. So what metrics would NHTSA use to</p> <p>6 assess the success of a campaign with that kind</p> <p>7 of an objective?</p> <p>8 MR. SOSNOWSKY: Objection:</p> <p>9 foundation.</p> <p>10 THE WITNESS: So we use, like,</p> <p>11 impression -- so if you're referring --</p> <p>12 are you referring --</p> <p>13 Can you be more specific about</p> <p>14 what you're looking for with -- with</p> <p>15 regards to objectives?</p> <p>16 BY MR. GREENBAUM:</p> <p>17 Q. Yeah.</p> <p>18 Does NHTSA analyze the success of</p> <p>19 its campaigns?</p> <p>20 A. Yes, we do.</p> <p>21 Q. And do you use metrics to assess</p> <p>22 the success of your campaigns?</p>
<p style="text-align: right;">Page 99</p> <p>1 THE WITNESS: Can you be a little</p> <p>2 bit more specific about what you're</p> <p>3 asking?</p> <p>4 BY MR. GREENBAUM:</p> <p>5 Q. If you were to give this</p> <p>6 presentation and you came to this slide, what</p> <p>7 would you say?</p> <p>8 MR. SOSNOWSKY: Objection: form.</p> <p>9 THE WITNESS: I would say that</p> <p>10 there are three different types of</p> <p>11 campaigns that -- buckets that we do: one</p> <p>12 is the High Visibility Enforcement, one</p> <p>13 is the behavioral, and also the vehicle</p> <p>14 campaigns.</p> <p>15 BY MR. GREENBAUM:</p> <p>16 Q. And does NHTSA's objective for --</p> <p>17 differ for each of those category of campaigns?</p> <p>18 A. So, actually, the -- within one of</p> <p>19 the buckets, they can have different types of</p> <p>20 objectives.</p> <p>21 Q. So here it says, [as read] High</p> <p>22 Visibility Enforcement, the objective is to pair</p>	<p style="text-align: right;">Page 101</p> <p>1 A. Yes, we do.</p> <p>2 Q. For a High-Visibility-Enforcement</p> <p>3 campaign, what are the types of metrics that you</p> <p>4 would use to assess the success of your ad</p> <p>5 campaigns?</p> <p>6 A. Are you referring to the actual</p> <p>7 campaign or the overall objective of the</p> <p>8 campaign?</p> <p>9 Q. Let's start -- let's do both, but</p> <p>10 let's start with the actual campaign.</p> <p>11 A. Okay. So we look to make sure that</p> <p>12 the paid media buy that was executed was executed</p> <p>13 in a way in which we -- they recommended and the</p> <p>14 plan was and did we achieve that with</p> <p>15 High-Visibility-Enforcement --</p> <p>16 Q. And so --</p> <p>17 A. -- campaign.</p> <p>18 Q. -- what -- what metrics would you</p> <p>19 use to assess whether you achieved that goal?</p> <p>20 A. Impressions --</p> <p>21 Q. Okay.</p> <p>22 A. -- view, video views, click-through</p>



<p style="text-align: right;">Page 102</p> <p>1 rates.</p> <p>2 Q. Any others?</p> <p>3 A. Right now, it's about what I can</p> <p>4 recall. I do believe we have a few others, but</p> <p>5 right off the top of my head, that's what we look</p> <p>6 at.</p> <p>7 Q. Okay.</p> <p>8 For behavioral safety, what metrics</p> <p>9 would be used to access the success of the</p> <p>10 campaign with the objective of changing behavior</p> <p>11 or social norms using media messages?</p> <p>12 MR. SOSNOWSKY: Objection: form.</p> <p>13 THE WITNESS: So this is a mix of</p> <p>14 the Ad Council campaigns that I mentioned</p> <p>15 earlier and also the Stratacomm</p> <p>16 behavioral campaigns that we have. So</p> <p>17 they have different ways in which we</p> <p>18 assess effectiveness.</p> <p>19 BY MR. GREENBAUM:</p> <p>20 Q. Would you use impressions, video</p> <p>21 views and CTR as well to assess the effectiveness</p> <p>22 of behavioral safety campaigns?</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Do you do that for each campaign?</p> <p>2 A. For the ad -- so for Ad Council</p> <p>3 campaigns, we do.</p> <p>4 Q. Okay. Are there different metrics</p> <p>5 that are used to assess the effectiveness of</p> <p>6 those campaigns in the tracking study as compared</p> <p>7 to the High-Visibility-Enforcement campaigns?</p> <p>8 MR. SOSNOWSKY: Objection: form.</p> <p>9 THE WITNESS: So it depends upon</p> <p>10 the campaign, which you would -- which we</p> <p>11 would -- you would refer to, because they</p> <p>12 are done differently; they're not all the</p> <p>13 same.</p> <p>14 BY MR. GREENBAUM:</p> <p>15 Q. Right.</p> <p>16 So what metrics -- what other</p> <p>17 metrics would be used to assess a behavioral</p> <p>18 safety campaign?</p> <p>19 A. So can you be a little bit more</p> <p>20 specific about which behavioral campaigns?</p> <p>21 Q. Well, let's say, Does the metric</p> <p>22 used to assess the effectiveness of a campaign</p>
<p style="text-align: right;">Page 103</p> <p>1 MR. SOSNOWSKY: Objection: form.</p> <p>2 THE WITNESS: So when you use</p> <p>3 "CTR," can you give me what you're</p> <p>4 referring to?</p> <p>5 BY MR. GREENBAUM:</p> <p>6 Q. I think it's a -- a acronym that</p> <p>7 you've used.</p> <p>8 Do you understand that to mean</p> <p>9 "click-through rate"?</p> <p>10 A. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. I just want to make sure.</p> <p>13 So those are some of them that we</p> <p>14 use --</p> <p>15 Q. Okay.</p> <p>16 A. -- but with the Ad Council, we have</p> <p>17 some additional.</p> <p>18 Q. What additional metrics would you</p> <p>19 use for those campaigns?</p> <p>20 A. We do a -- tracking studies with</p> <p>21 them to see if there's been a shift in behavior</p> <p>22 over time.</p>	<p style="text-align: right;">Page 105</p> <p>1 vary by campaign?</p> <p>2 A. It does between the Ad Council and</p> <p>3 the other behavioral campaigns.</p> <p>4 Q. Okay. So for the other behavioral</p> <p>5 campaigns, which would be administered by</p> <p>6 Stratacomm --</p> <p>7 Right?</p> <p>8 A. Correct.</p> <p>9 Q. -- what would be the metrics that</p> <p>10 NHTSA uses to assess the effectiveness of those</p> <p>11 campaigns?</p> <p>12 MR. SOSNOWSKY: Objection: form.</p> <p>13 THE WITNESS: So it depends upon</p> <p>14 the period of time here, because the</p> <p>15 heat-stroke campaign was originally with</p> <p>16 Stratacomm until, most recently, we moved</p> <p>17 it to Ad Council.</p> <p>18 BY MR. SOSNOWSKY:</p> <p>19 Q. Okay. So today, what metrics do</p> <p>20 you use to assess the effectiveness of</p> <p>21 Stratacomm's behavioral safety campaigns?</p> <p>22 MR. SOSNOWSKY: Objection: form.</p>

27 (Pages 102 - 105)

<p style="text-align: right;">Page 106</p> <p>1 THE WITNESS: So there are --</p> <p>2 okay. There are some campaigns that have</p> <p>3 concluded that we're no longer moving</p> <p>4 forward today, and there are some that</p> <p>5 we're continuing forward with.</p> <p>6 BY MR. GREENBAUM:</p> <p>7 Q. I'm just trying to get a universal</p> <p>8 what the metrics are.</p> <p>9 A. Okay.</p> <p>10 Q. So . . .</p> <p>11 A. That's fine. It's just --</p> <p>12 Q. What would be the universe of</p> <p>13 metrics that are used to assess these campaigns?</p> <p>14 A. So the behavioral --</p> <p>15 MR. SOSNOWSKY: Objection: form.</p> <p>16 Go ahead.</p> <p>17 THE WITNESS: -- the behavioral</p> <p>18 Stratacomm ones are similar to the</p> <p>19 High-Visibility-Enforcement ones.</p> <p>20 BY MR. GREENBAUM:</p> <p>21 Q. And for the Ad Council, what</p> <p>22 metrics would be used to assess the effectiveness</p>	<p style="text-align: right;">Page 108</p> <p>1 You've got here vehicle safety, and</p> <p>2 then below it says, Objective: Motivate consumers</p> <p>3 to repair recalls. Educate consumers on new</p> <p>4 technologies.</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. What metrics would be used to</p> <p>8 assess the success of a campaign with that kind</p> <p>9 of objective?</p> <p>10 MR. SOSNOWSKY: Objection: form.</p> <p>11 THE WITNESS: So I need to ask you</p> <p>12 to be a little bit more specific within</p> <p>13 the vehicle because there are different</p> <p>14 campaigns there with different</p> <p>15 objectives.</p> <p>16 BY MR. GREENBAUM:</p> <p>17 Q. What would be the universe of</p> <p>18 metrics that would be used to assess the success</p> <p>19 of campaigns within this category?</p> <p>20 MR. SOSNOWSKY: Objection: form.</p> <p>21 THE WITNESS: In general, it would</p> <p>22 be impressions, video views or</p>
<p style="text-align: right;">Page 107</p> <p>1 of the behavioral safety campaigns?</p> <p>2 MR. SOSNOWSKY: Objection: form.</p> <p>3 THE WITNESS: Can you repeat the</p> <p>4 last question?</p> <p>5 BY MR. GREENBAUM:</p> <p>6 Q. For -- so you gave me the metrics</p> <p>7 for Stratacomm.</p> <p>8 Now for Ad Council, what metrics</p> <p>9 would be used to assess the effectiveness of the</p> <p>10 behavioral safety campaigns?</p> <p>11 MR. SOSNOWSKY: Same objection.</p> <p>12 THE WITNESS: So as I mentioned</p> <p>13 earlier, the tracking studies is an</p> <p>14 important one, plus the impressions and</p> <p>15 click-through rates and video</p> <p>16 impressions.</p> <p>17 BY MR. GREENBAUM:</p> <p>18 Q. Okay. And so for the last type of</p> <p>19 campaign here, you've got vehicle safety.</p> <p>20 What metrics would be used to</p> <p>21 assess the success of the campaign -- with --</p> <p>22 sorry.</p>	<p style="text-align: right;">Page 109</p> <p>1 click-through rates.</p> <p>2 BY MR. GREENBAUM:</p> <p>3 Q. If you look at the next page, Bates</p> <p>4 ending in 423, it has -- it describes FY2022</p> <p>5 Media Buys, Fiscal Year 2022.</p> <p>6 What -- and then it has, High</p> <p>7 Visibility Enforcement: Statutorily Mandated</p> <p>8 41.4 million.</p> <p>9 Do you see that?</p> <p>10 A. Um-hum.</p> <p>11 Q. You discussed what that meant</p> <p>12 earlier.</p> <p>13 Below that is Behavioral Safety:</p> <p>14 Discretionary.</p> <p>15 What does "discretionary" refer to</p> <p>16 here?</p> <p>17 A. Hold on a second.</p> <p>18 (Whereupon, the witness reviews</p> <p>19 the material provided.)</p> <p>20 THE WITNESS: So this -- this term</p> <p>21 "discretionary" really is kind of like</p> <p>22 just a general bucket for us to say,</p>

<p style="text-align: right;">Page 110</p> <p>1 basically, it's program money that's</p> <p>2 given to -- that's used that the agency,</p> <p>3 being NHTSA, has provided to pay for the</p> <p>4 campaigns.</p> <p>5 BY MR. SOSNOWSKY:</p> <p>6 Q. How does that differ from</p> <p>7 statutorily mandated?</p> <p>8 A. Statutorily mandated is funds</p> <p>9 provided from Congress.</p> <p>10 Q. And where do the discretionary</p> <p>11 funds come from?</p> <p>12 A. The National Highway Traffic Safety</p> <p>13 Administration.</p> <p>14 Q. Okay.</p> <p>15 If you look at the next page, Bates</p> <p>16 ending in 424, there's a reference in the middle</p> <p>17 to Behavioral safety, Social Norm and Awareness,</p> <p>18 and says, FY2022, Donated Media.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. At the bottom, though, in</p> <p>22 the notes, there's a reference to, Ad Council is</p>	<p style="text-align: right;">Page 112</p> <p>1 of Many Parts?</p> <p>2 A. So it's -- it's a nice market --</p> <p>3 little marketing tagline, I guess, in a way</p> <p>4 that's been used here to kind of just generally</p> <p>5 talk then -- I guess I'd like to look through the</p> <p>6 following pages.</p> <p>7 Thank you.</p> <p>8 (Whereupon, the witness reviews</p> <p>9 the material provided.)</p> <p>10 BY MR. SOSNOWSKY:</p> <p>11 Q. I see that you are in the next</p> <p>12 section of the slides, 4438, in the section on</p> <p>13 today's media landscape. The section on</p> <p>14 multichannel, though, I wanted to focus on, which</p> <p>15 is -- starts on 435 and goes through 437.</p> <p>16 A. Okay.</p> <p>17 Q. And my question is, What do you</p> <p>18 understand to be conveyed with the subtitle, The</p> <p>19 Power of the Sum of Many Parts?</p> <p>20 A. So, actually, this implies all of</p> <p>21 that whole section, so it all kind of builds</p> <p>22 together to describe that.</p>
<p style="text-align: right;">Page 111</p> <p>1 the sole organization designated by the</p> <p>2 advertising industry to provide the service.</p> <p>3 Do you have an understanding as to</p> <p>4 what that means?</p> <p>5 A. Yes.</p> <p>6 Q. What does it mean?</p> <p>7 A. It means -- it means that they</p> <p>8 provide donated media, as I described earlier,</p> <p>9 but they're the ones and which receives the</p> <p>10 donated media.</p> <p>11 Q. Got it.</p> <p>12 So Stratacomm can't provide the</p> <p>13 service to NHTSA?</p> <p>14 A. Not at the level in which the</p> <p>15 Ad Council can.</p> <p>16 Q. Okay. Let's go to Bates 435.</p> <p>17 It says, Why Multichannel? The</p> <p>18 Power of the Sum of Many Parts.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. What do you understand to be</p> <p>22 conveyed with the subtitle, The Power of the Sum</p>	<p style="text-align: right;">Page 113</p> <p>1 That's why I was looking further.</p> <p>2 Q. Okay. Setting aside the rest of</p> <p>3 the presentation --</p> <p>4 A. Sure.</p> <p>5 Q. -- what do you understand to be</p> <p>6 conveyed by the tagline, The power of the sum of</p> <p>7 many parts?</p> <p>8 MR. SOSNOWSKY: Objection: form;</p> <p>9 foundation.</p> <p>10 THE WITNESS: So that is referring</p> <p>11 to, in my understanding -- that it --</p> <p>12 you -- you need to build various</p> <p>13 different channels together to work</p> <p>14 effectively to reach a particular target</p> <p>15 audience.</p> <p>16 BY MR. GREENBAUM:</p> <p>17 Q. Can you reach the same target</p> <p>18 audience using multiple channels?</p> <p>19 MR. SOSNOWSKY: Objection: form.</p> <p>20 THE WITNESS: Please repeat that</p> <p>21 question.</p> <p>22</p>

<p style="text-align: right;">Page 114</p> <p>1 MR. GREENBAUM: Can the court</p> <p>2 reporter please read that back?</p> <p>3 --oOo--</p> <p>4 (Whereupon, the certified</p> <p>5 stenographer read back the</p> <p>6 pertinent part of the record.)</p> <p>7 --oOo--</p> <p>8 MR. SOSNOWSKY: Same objection.</p> <p>9 THE WITNESS: I guess I need to</p> <p>10 understand what same channels you're</p> <p>11 referring to.</p> <p>12 BY MR. GREENBAUM:</p> <p>13 Q. I referred to multiple channels.</p> <p>14 Can you reach the same target</p> <p>15 audience using multiple channels?</p> <p>16 MR. SOSNOWSKY: Objection: form.</p> <p>17 THE WITNESS: Yes, you can reach</p> <p>18 multiple channels -- or you can reach a</p> <p>19 target audience with multiple channels.</p> <p>20 BY MR. GREENBAUM:</p> <p>21 Q. Okay. Let's go to the next page,</p> <p>22 436.</p>	<p style="text-align: right;">Page 116</p> <p>1 asked multiple times to be able to read</p> <p>2 it.</p> <p>3 I've been looking at the clock.</p> <p>4 She hasn't spent 90 seconds looking at</p> <p>5 this document. You've asked multiple</p> <p>6 times --</p> <p>7 MR. GREENBAUM: Counsel --</p> <p>8 MR. SOSNOWSKY: -- she said</p> <p>9 multiple times that she'd like to read</p> <p>10 through the document.</p> <p>11 Okay --</p> <p>12 MR. GREENBAUM: -- I understand --</p> <p>13 MR. SOSNOWSKY: -- I would</p> <p>14 appreciate it if you gave her that</p> <p>15 opportunity to do so.</p> <p>16 MR. GREENBAUM: -- Counsel, she's</p> <p>17 had approximately four minutes to go</p> <p>18 through this document. The question was:</p> <p>19 Display is not included in this slide; is</p> <p>20 that correct?</p> <p>21 MR. SOSNOWSKY: You asked her</p> <p>22 about why isn't -- you're asking why</p>
<p style="text-align: right;">Page 115</p> <p>1 It says, in the middle, Focus on</p> <p>2 channels most successful for the target audience.</p> <p>3 Then it says, High-reach cable</p> <p>4 programming, Live sports.</p> <p>5 What -- it does not include display</p> <p>6 advertising here as a channel for reaching a</p> <p>7 target audience, right?</p> <p>8 A. So, as I explained earlier, you</p> <p>9 can't really take one slide on its own. It's</p> <p>10 building a story with the following slides.</p> <p>11 So if I could have the opportunity</p> <p>12 to read the other slides, that would be helpful.</p> <p>13 Q. Sure.</p> <p>14 A. Thank you.</p> <p>15 (Whereupon, the witness reviews</p> <p>16 the material provided.)</p> <p>17 BY MR. GREENBAUM:</p> <p>18 Q. Ms. McMeen, I think my question</p> <p>19 was --</p> <p>20 MR. SOSNOWSKY: Counsel, now,</p> <p>21 multiple times, she said that -- you've</p> <p>22 put this document in front of her. She's</p>	<p style="text-align: right;">Page 117</p> <p>1 display isn't included --</p> <p>2 MR. GREENBAUM: I didn't say that.</p> <p>3 MR. SOSNOWSKY: -- in that</p> <p>4 slide -- Counsel, first of all, it's not</p> <p>5 correct to say that it's been</p> <p>6 four minutes. I'm looking at the clock</p> <p>7 and the time here -- that's on the record</p> <p>8 there --</p> <p>9 MR. GREENBAUM: You've had two</p> <p>10 breaks, Counsel, in which to read this</p> <p>11 entire document.</p> <p>12 MR. SOSNOWSKY: Excuse me? Wait.</p> <p>13 That is not -- that's not accurate at</p> <p>14 all.</p> <p>15 Okay. We didn't go on break. We</p> <p>16 didn't -- you asked us not to take these</p> <p>17 binders out of the room. You didn't ask</p> <p>18 us to read these documents on a break.</p> <p>19 She asked originally if she could</p> <p>20 read through the document. You cut her</p> <p>21 off in that part of the -- in that part</p> <p>22 of your questioning when she -- when she</p>

<p style="text-align: right;">Page 118</p> <p>1 went beyond the first two pages because</p> <p>2 you assumed that the following section</p> <p>3 was irrelevant to her answer to your</p> <p>4 question about the prior section.</p> <p>5 She then explained to you that</p> <p>6 that's not accurate -- your assumption</p> <p>7 about the document was not accurate, and</p> <p>8 she asked to read it again.</p> <p>9 You said, sure. She spent a</p> <p>10 couple of minutes looking at the</p> <p>11 document. She's trying her best to</p> <p>12 answer your question. So I just ask that</p> <p>13 you give her the -- have the patience to</p> <p>14 give her a chance to review the document.</p> <p>15 MR. GREENBAUM: You've made a</p> <p>16 record. I have made mine.</p> <p>17 She's spent five minutes now</p> <p>18 reviewing this document.</p> <p>19 MR. SOSNOWSKY: Take whatever time</p> <p>20 you need.</p> <p>21 THE WITNESS: Okay.</p> <p>22 Can you tell me where -- which</p>	<p style="text-align: right;">Page 120</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. What target audience is most</p> <p>3 important for NHTSA's advertisement campaigns?</p> <p>4 MR. SOSNOWSKY: Objection: form.</p> <p>5 THE WITNESS: So it depends on the</p> <p>6 campaign.</p> <p>7 BY MR. GREENBAUM:</p> <p>8 Q. Is the 18- to 34-year-old male</p> <p>9 target audience an -- target audience an</p> <p>10 important target audience for NHTSA's</p> <p>11 advertisement campaigns?</p> <p>12 MR. SOSNOWSKY: Objection: form.</p> <p>13 THE WITNESS: It is one of those.</p> <p>14 BY MR. GREENBAUM:</p> <p>15 Q. What is the most important target</p> <p>16 audience for NHTSA's advertisement campaigns?</p> <p>17 MR. SOSNOWSKY: Objection: form.</p> <p>18 THE WITNESS: It depends on the</p> <p>19 campaign.</p> <p>20 BY MR. GREENBAUM:</p> <p>21 Q. What is the most important target</p> <p>22 audience for NHTSA's Click It or Ticket</p>
<p style="text-align: right;">Page 119</p> <p>1 page we were on before? Sorry. I lost</p> <p>2 --</p> <p>3 BY MR. GREENBAUM:</p> <p>4 Q. The Bates ending in 436.</p> <p>5 A. 436. Okay.</p> <p>6 Q. My question is, Display isn't</p> <p>7 listed here as a channel that's most successful</p> <p>8 for the target audience; is that correct?</p> <p>9 A. On that --</p> <p>10 MR. SOSNOWSKY: Objection: form.</p> <p>11 THE WITNESS: -- on that</p> <p>12 particular page, it is not.</p> <p>13 BY MR. GREENBAUM:</p> <p>14 Q. What target audience are these</p> <p>15 channels most successful at reaching?</p> <p>16 MR. SOSNOWSKY: Objection:</p> <p>17 foundation; form.</p> <p>18 THE WITNESS: Actually, that would</p> <p>19 be out of context of the presentation and</p> <p>20 the objective of the presentation. So I</p> <p>21 can't . . .</p> <p>22</p>	<p style="text-align: right;">Page 121</p> <p>1 advertisement campaign?</p> <p>2 MR. SOSNOWSKY: Objection: form.</p> <p>3 THE WITNESS: It would be males 18</p> <p>4 to 34.</p> <p>5 BY MR. GREENBAUM:</p> <p>6 Q. What is the largest media campaign</p> <p>7 that NHTSA runs by total dollars spent on</p> <p>8 advertising?</p> <p>9 MR. GREENBAUM: Objection: form.</p> <p>10 THE WITNESS: Can you give me more</p> <p>11 specifics on that?</p> <p>12 BY MR. SOSNOWSKY:</p> <p>13 Q. What specifics would you need to</p> <p>14 tell me what the largest media campaign that</p> <p>15 NHTSA runs by dollars spent on advertising?</p> <p>16 A. Can you repeat that question?</p> <p>17 - - -</p> <p>18 (Whereupon, the certified</p> <p>19 stenographer read back the</p> <p>20 pertinent part of the record.)</p> <p>21 - - -</p> <p>22 MR. SOSNOWSKY: Same objection.</p>

<p style="text-align: right;">Page 134</p> <p>1 MR. SOSNOWSKY: Objection: form.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. GREENBAUM:</p> <p>4 Q. Let's go to the last slide, ending</p> <p>5 in 45 -- Bates 452.</p> <p>6 It says, [as read] Social</p> <p>7 advertisement --</p> <p>8 A. Oh, I'm sorry. 4- -- what is it?</p> <p>9 Q. The last -- the Bates ends in 452.</p> <p>10 It says --</p> <p>11 A. Oh, yeah --</p> <p>12 Q. -- Social Opportunity.</p> <p>13 A. -- yep. Yep.</p> <p>14 Q. It says, [as read] Social</p> <p>15 opportunity is considered the most relevant by</p> <p>16 the audience, and the importance of mobile</p> <p>17 devices is clear. Delivering effective messages</p> <p>18 via the smartphone is imperative for the campaign</p> <p>19 to ensure we've reached the target audience.</p> <p>20 Do you see that?</p> <p>21 A. I do.</p> <p>22 Q. What is being conveyed on this</p>	<p style="text-align: right;">Page 136</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. What, if anything, is this figure</p> <p>3 depicting about the social site reach potential</p> <p>4 of various social media sites?</p> <p>5 MR. SOSNOWSKY: Objection: form.</p> <p>6 (Whereupon, the witness reviews</p> <p>7 the material provided.)</p> <p>8 THE WITNESS: So they're using --</p> <p>9 it looks like, here, from what I</p> <p>10 understand from this chart, is it's</p> <p>11 actually for alcohol, beer drinkers. So</p> <p>12 it's a segment. It's not the overall all</p> <p>13 males, and it's not even males 18 to 34.</p> <p>14 It looks -- and I can't -- I</p> <p>15 don't -- I'm not really sure what "HM"</p> <p>16 means here at this point. I know males</p> <p>17 20 -- 21 to 34, it looks like -- I'm not</p> <p>18 really sure what HM is -- refers to HM.</p> <p>19 So this isn't --</p> <p>20 BY MR. GREENBAUM:</p> <p>21 Q. Does "HM" refer to Hispanic male?</p> <p>22 A. It could be, but I'm not -- I can't</p>
<p style="text-align: right;">Page 135</p> <p>1 slide about the importance of social media</p> <p>2 advertising?</p> <p>3 MR. SOSNOWSKY: Objection:</p> <p>4 foundation.</p> <p>5 THE WITNESS: That the males 18 to</p> <p>6 34 see this as a relevant place for them</p> <p>7 to get a mess- -- messaging.</p> <p>8 BY MR. GREENBAUM:</p> <p>9 Q. Do you see the figure at the bottom</p> <p>10 of the page, Figure 21, Social Site Reach</p> <p>11 Potential by Target?</p> <p>12 A. Yes.</p> <p>13 Q. What, if anything, is this figure</p> <p>14 depicting about the reach of social media</p> <p>15 advertising?</p> <p>16 MR. SOSNOWSKY: Objection:</p> <p>17 foundation.</p> <p>18 THE WITNESS: I don't believe the</p> <p>19 figure is referring to actually</p> <p>20 advertising here. It's just saying</p> <p>21 social site reach potential by the</p> <p>22 target.</p>	<p style="text-align: right;">Page 137</p> <p>1 verify that.</p> <p>2 Q. In -- in the typical course of your</p> <p>3 work, would you see "HM" abbreviated Hispanic</p> <p>4 male?</p> <p>5 MR. SOSNOWSKY: Objection: form.</p> <p>6 THE WITNESS: I can't recall,</p> <p>7 actually, right now how we refer it to,</p> <p>8 but -- because we break it out in site --</p> <p>9 sections, typically, in our plans. So we</p> <p>10 title it, usually, Spanish or Hispanic.</p> <p>11 BY MR. GREENBAUM:</p> <p>12 Q. The last one is M21 through 34.</p> <p>13 Would you typically understand that</p> <p>14 to mean male 21 through 34?</p> <p>15 MR. SOSNOWSKY: Objection: form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. GREENBAUM:</p> <p>18 Q. What is this figure depict -- what,</p> <p>19 if anything, is this figure depicting about the</p> <p>20 extent of the social site reach potential within</p> <p>21 the male 21 through 34 category?</p> <p>22 MR. SOSNOWSKY: Objection:</p>

35 (Pages 134 - 137)



<p style="text-align: right;">Page 138</p> <p>1 foundation.</p> <p>2 THE WITNESS: Are you referring to</p> <p>3 the very top bar here on the chart?</p> <p>4 BY MR. GREENBAUM:</p> <p>5 Q. Yes.</p> <p>6 A. It's -- so it's very difficult with</p> <p>7 this copy, but I understand -- I'm going to</p> <p>8 assume that the bottom line is the males 21 to</p> <p>9 34.</p> <p>10 Is that correct?</p> <p>11 Q. Yes. I think so.</p> <p>12 A. Okay. It's hard with the copy.</p> <p>13 So, to me, that would reference --</p> <p>14 estimate that it's about -- a little over</p> <p>15 90 percent protect -- as a guess, of a reach for</p> <p>16 males 21 to 34.</p> <p>17 Q. And, in fact, each of the</p> <p>18 categories here show that your -- that the reach</p> <p>19 of social site potential by target for Hispanic</p> <p>20 males 21 through 24 and beer drinkers is also</p> <p>21 about -- in excess of 90 percent, right?</p> <p>22 MR. SOSNOWSKY: Objection:</p>	<p style="text-align: right;">Page 140</p> <p>1 THE WITNESS: -- I had to sign a</p> <p>2 document, and it was sent to my home</p> <p>3 e-mail after my -- I spoke with my</p> <p>4 attorney, Steve Hench, at my agency so I</p> <p>5 could sign it --</p> <p>6 BY MR. GREENBAUM:</p> <p>7 Q. So --</p> <p>8 A. -- because I had no way of printing</p> <p>9 it or doing a -- a wet signature.</p> <p>10 Q. So is that a yes, that you have</p> <p>11 used your personal e-mail to discuss matters</p> <p>12 pertaining to this case?</p> <p>13 MR. SOSNOWSKY: Objection: form.</p> <p>14 THE WITNESS: It wasn't to</p> <p>15 discuss; it was to sign a document.</p> <p>16 BY MR. GREENBAUM:</p> <p>17 Q. Have you used your personal e-mail</p> <p>18 to conduct NHTSA business?</p> <p>19 A. How would you refer to "conduct"?</p> <p>20 Q. Have you used your personal e-mail</p> <p>21 to -- for matters pertaining to NHTSA's business?</p> <p>22 A. So to get a printed copy, if I'm</p>
<p style="text-align: right;">Page 139</p> <p>1 foundation; form.</p> <p>2 THE WITNESS: So I'm going to</p> <p>3 assume that's the middle bar for this</p> <p>4 purpose, that that's the beer drinkers,</p> <p>5 yes.</p> <p>6 BY MR. GREENBAUM:</p> <p>7 Q. Okay. We can put this aside --</p> <p>8 A. Um-hum.</p> <p>9 Q. -- get to a new topic here.</p> <p>10 Do you typically use your personal</p> <p>11 e-mail for work purposes?</p> <p>12 A. Not typically.</p> <p>13 Q. But have you used your personal</p> <p>14 e-mail for work purposes?</p> <p>15 A. Yes.</p> <p>16 Q. Have you used your e-mail to --</p> <p>17 your personal e-mail to discuss matters</p> <p>18 pertaining to this case book?</p> <p>19 MR. SOSNOWSKY: Objection --</p> <p>20 THE WITNESS: I --</p> <p>21 MR. SOSNOWSKY: -- form;</p> <p>22 foundation.</p>	<p style="text-align: right;">Page 141</p> <p>1 working from home, I've had to send it to my home</p> <p>2 e-mail to print it out.</p> <p>3 Q. Going to a new topic, are you aware</p> <p>4 of what subcontractors or other entities</p> <p>5 Stratacomm works with to purchase media?</p> <p>6 MR. SOSNOWSKY: Objection: form.</p> <p>7 THE WITNESS: So with</p> <p>8 subcontractors, we do not have any say on</p> <p>9 how they do their business.</p> <p>10 BY MR. GREENBAUM:</p> <p>11 Q. Do you know how Stratacomm decides</p> <p>12 which platforms to use to purchase media on</p> <p>13 behalf of NHTSA?</p> <p>14 MR. SOSNOWSKY: Objection: form.</p> <p>15 THE WITNESS: Can you repeat the</p> <p>16 question?</p> <p>17 BY MR. GREENBAUM:</p> <p>18 Q. Do you know how Stratacomm decides</p> <p>19 which platforms to use to purchase media on</p> <p>20 behalf of NHTSA?</p> <p>21 MR. SOSNOWSKY: Same objection.</p> <p>22 THE WITNESS: So we rely on media</p>



<p style="text-align: right;">Page 142</p> <p>1 buyers and planners to put together</p> <p>2 plans. We -- we rely on their expertise.</p> <p>3 BY MR. GREENBAUM:</p> <p>4 Q. You've said that a few times, but I</p> <p>5 just want to get -- see -- understand what you</p> <p>6 know about how Stratacomm decides which platforms</p> <p>7 to use to purchase media.</p> <p>8 So my question is, Do you know how</p> <p>9 Stratacomm decides which platforms to use to</p> <p>10 purchase media on behalf of NHTSA?</p> <p>11 A. As I mentioned earlier, they use</p> <p>12 various tools and research -- or information to</p> <p>13 help them understand the target audience buying</p> <p>14 behavior or -- not buying behaviors but just</p> <p>15 their viewing and -- and consumption of media, so</p> <p>16 we rely on them to use that to provide the</p> <p>17 recommendations to us.</p> <p>18 Q. Are you aware of any subcontract</p> <p>19 between Stratacomm and the Trade Desk?</p> <p>20 A. I am aware that they use them as a</p> <p>21 vendor.</p> <p>22 Q. Are you aware that there's -- if</p>	<p style="text-align: right;">Page 144</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. And that is, you aren't</p> <p>3 specifically aware of any subcontract between</p> <p>4 Stratacomm and Google?</p> <p>5 MR. SOSNOWSKY: Objection: form;</p> <p>6 foundation.</p> <p>7 THE WITNESS: Again, that would be</p> <p>8 the same answer as before.</p> <p>9 BY MR. GREENBAUM:</p> <p>10 Q. And are you aware of any</p> <p>11 subcontract --</p> <p>12 A. I would assume that --</p> <p>13 MR. SOSNOWSKY: Just let him</p> <p>14 finish his question; let me make my</p> <p>15 objection; and then you can give your</p> <p>16 answer, please.</p> <p>17 BY MR. GREENBAUM:</p> <p>18 Q. I just want to get the record clear</p> <p>19 on your -- what you know about any subcontracts</p> <p>20 here.</p> <p>21 So my question is, Are you aware of</p> <p>22 a subcontract between Stratacomm and Google?</p>
<p style="text-align: right;">Page 143</p> <p>1 there is a contract between Stratacomm and the</p> <p>2 Trade Desk?</p> <p>3 MR. SOSNOWSKY: Objection:</p> <p>4 foundation.</p> <p>5 THE WITNESS: So I would assume</p> <p>6 that they -- I -- I cannot speculate.</p> <p>7 All I know is for them to be able to</p> <p>8 perch -- purchase media, they have to</p> <p>9 have some type of legal document to do</p> <p>10 it.</p> <p>11 BY MR. GREENBAUM:</p> <p>12 Q. You've never seen the document --</p> <p>13 the -- any contract between Stratacomm and the</p> <p>14 Trade Desk?</p> <p>15 A. Not that I recall.</p> <p>16 Q. Are you aware of a subcontract</p> <p>17 between Stratacomm and Google?</p> <p>18 MR. SOSNOWSKY: Objection: form;</p> <p>19 foundation.</p> <p>20 THE WITNESS: It would be the same</p> <p>21 answer as the Trade Desk.</p> <p>22</p>	<p style="text-align: right;">Page 145</p> <p>1 MR. SOSNOWSKY: Objection: form;</p> <p>2 foundation.</p> <p>3 THE WITNESS: I would assume that</p> <p>4 they have one to be able to purchase the</p> <p>5 media.</p> <p>6 BY MR. GREENBAUM:</p> <p>7 Q. But you're not specifically aware</p> <p>8 of a subcontract between Stratacomm and Google?</p> <p>9 MR. SOSNOWSKY: Objection: form;</p> <p>10 foundation.</p> <p>11 THE WITNESS: Not that I can</p> <p>12 recall, because we don't get into the</p> <p>13 business of our subcontractors and what</p> <p>14 they do.</p> <p>15 BY MR. GREENBAUM:</p> <p>16 Q. Do you ever participate in</p> <p>17 negotiations with vendors over the price that</p> <p>18 they charge for media purchases?</p> <p>19 MR. SOSNOWSKY: Objection: form.</p> <p>20 THE WITNESS: So that's the role</p> <p>21 of our media buyer, to be able to do that</p> <p>22 on behalf of NHTSA.</p>

<p style="text-align: right;">Page 146</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. Do you regular -- have you ever</p> <p>3 evaluated the efficacy of platforms, like the</p> <p>4 Trade Desk, as compared to DB360?</p> <p>5 MR. SOSNOWSKY: Objection:</p> <p>6 foundation.</p> <p>7 THE WITNESS: It is -- I don't</p> <p>8 recall that. They may have mentioned it,</p> <p>9 but I don't recall that.</p> <p>10 BY MR. GREENBAUM:</p> <p>11 Q. Who is "they"?</p> <p>12 A. That would be our ad agency.</p> <p>13 Q. And you say they may have mentioned</p> <p>14 a comparison of efficacy between Trade Desk and</p> <p>15 DB360?</p> <p>16 Do you recall any comparisons</p> <p>17 specifically?</p> <p>18 A. No, I do not.</p> <p>19 MR. SOSNOWSKY: Objection: form.</p> <p>20 THE WITNESS: Oh, sorry.</p> <p>21 BY MR. GREENBAUM:</p> <p>22 Q. What factors do you consider when</p>	<p style="text-align: right;">Page 148</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. What are the universe of factors</p> <p>3 that you or your ad agency would consider when</p> <p>4 determining which channels to use for a</p> <p>5 particular advertising campaign?</p> <p>6 MR. SOSNOWSKY: Objection: form.</p> <p>7 THE WITNESS: So the target</p> <p>8 audience, it would be the budget; it</p> <p>9 would be the time and -- "time" being the</p> <p>10 calendar year time and also the -- the</p> <p>11 length of the campaign.</p> <p>12 BY MR. SOSNOWSKY:</p> <p>13 Q. Are there any other factors?</p> <p>14 A. At this point, that's what I</p> <p>15 recall. It's not -- I'm sure there's other</p> <p>16 factors included in it, too.</p> <p>17 Q. In your documents, I've seen</p> <p>18 references to video completion as a metric to</p> <p>19 judge the effectiveness of a campaign.</p> <p>20 What is that?</p> <p>21 MR. SOSNOWSKY: Objection: form.</p> <p>22 THE WITNESS: Can you repeat that</p>
<p style="text-align: right;">Page 147</p> <p>1 determining which channels to use for a</p> <p>2 particular advertising campaign?</p> <p>3 MR. SOSNOWSKY: Objection: form.</p> <p>4 THE WITNESS: Can you repeat that</p> <p>5 question?</p> <p>6 MR. GREENBAUM: Cindy, would you</p> <p>7 mind repeating that back?</p> <p>8 --oOo--</p> <p>9 (Whereupon, the certified</p> <p>10 stenographer read back the</p> <p>11 pertinent part of the record.)</p> <p>12 --oOo--</p> <p>13 THE WITNESS: I'm so sorry. One</p> <p>14 more time.</p> <p>15 --oOo--</p> <p>16 (Whereupon, the certified</p> <p>17 stenographer read back the</p> <p>18 pertinent part of the record.)</p> <p>19 --oOo--</p> <p>20 THE WITNESS: So we work with the</p> <p>21 ad agency to -- it depends on --</p> <p>22 actually, it depends on a campaign.</p>	<p style="text-align: right;">Page 149</p> <p>1 question?</p> <p>2 MR. GREENBAUM: Cindy.</p> <p>3 CERTIFIED STENOGRAPHER: Okay.</p> <p>4 --oOo--</p> <p>5 (Whereupon, the certified</p> <p>6 stenographer read back the</p> <p>7 pertinent part of the record.)</p> <p>8 --oOo--</p> <p>9 MR. SOSNOWSKY: Objection:</p> <p>10 foundation; form.</p> <p>11 THE WITNESS: So now I need you to</p> <p>12 refer to the question before that,</p> <p>13 because you are leading from that</p> <p>14 question to this question. So would you</p> <p>15 mind repeating that one?</p> <p>16 CERTIFIED STENOGRAPHER: I just</p> <p>17 went through it.</p> <p>18 MR. GREENBAUM: Cindy -- I'll --</p> <p>19 I'll say it.</p> <p>20 BY MR. GREENBAUM:</p> <p>21 Q. What factors do you consider when</p> <p>22 determining which channels to use for a</p>

<p style="text-align: right;">Page 270</p> <p>1 Q. Okay. So on the vehicle side, are</p> <p>2 you referring to the Recalls campaign?</p> <p>3 A. I don't know which of those</p> <p>4 vehicles campaigns it is.</p> <p>5 Q. What other campaigns -- vehicle</p> <p>6 campaigns are there besides the Recall?</p> <p>7 A. We have Advanced Technology</p> <p>8 campaign and the 5-star rating.</p> <p>9 Q. Okay. And you also mentioned ODI</p> <p>10 as a possible -- as a campaign that you</p> <p>11 potentially used DV360 before?</p> <p>12 MR. SOSNOWSKY: Objection: form.</p> <p>13 THE WITNESS: So ODI is in</p> <p>14 reference to the program office within</p> <p>15 NHTSA.</p> <p>16 BY MR. GREENBAUM:</p> <p>17 Q. Okay. And then you referred to</p> <p>18 Ad Council as another potential -- as an agency</p> <p>19 that may have used DV360; is that right?</p> <p>20 A. I just don't recall.</p> <p>21 Q. So sitting here today, you can't</p> <p>22 recall whether Ad Council used DV360 to purchase</p>	<p style="text-align: right;">Page 272</p> <p>1 media buy summary.</p> <p>2 Q. And has your ad agency ever</p> <p>3 discussed using DV360 with -- with you in the</p> <p>4 past?</p> <p>5 A. Again, as I mentioned before, I do</p> <p>6 remember one campaign on the vehicle side that</p> <p>7 did use it, so we would have been -- they would</p> <p>8 have provided us a recommendation.</p> <p>9 Q. Why didn't you use Trade Desk for</p> <p>10 that -- for that campaign?</p> <p>11 MR. SOSNOWSKY: Objection:</p> <p>12 foundation.</p> <p>13 THE WITNESS: So as I mentioned,</p> <p>14 the advertising agency provided us a</p> <p>15 recommendation; we felt comfortable on</p> <p>16 that recommendation, so that's why we</p> <p>17 would use it.</p> <p>18 BY MR. GREENBAUM:</p> <p>19 Q. Has there been a shift from DV360</p> <p>20 to the Trade Desk since -- between 2019 to 2023?</p> <p>21 A. I don't -- you need to be more</p> <p>22 specific.</p>
<p style="text-align: right;">Page 271</p> <p>1 advertisements on behalf of NHTSA?</p> <p>2 A. That's right.</p> <p>3 Q. Okay. Why did you use DV360 to</p> <p>4 purchase advertisements for the vehicle</p> <p>5 campaigns?</p> <p>6 MR. SOSNOWSKY: Objection: form.</p> <p>7 THE WITNESS: So as I mentioned</p> <p>8 earlier, I do not believe -- I don't know</p> <p>9 if it's all of them, and I can't remember</p> <p>10 specifically which one.</p> <p>11 BY MR. GREENBAUM:</p> <p>12 Q. For the campaign that NHTSA used</p> <p>13 DV360 to purchase advertisement, why did NHTSA or</p> <p>14 its ad agency use DV360 for that campaign?</p> <p>15 A. So, as I explained earlier, when we</p> <p>16 work with our ad agencies, they provide us a</p> <p>17 recommendation for that particular campaign, that</p> <p>18 particular target audience and that particular</p> <p>19 time. They provide us a recommendation. We have</p> <p>20 a discussion with them. And after a discussion,</p> <p>21 if we feel comfortable, then we will approve the</p> <p>22 recommendation and then they will go develop our</p>	<p style="text-align: right;">Page 273</p> <p>1 Q. Do you use -- does NHTSA or its ad</p> <p>2 agencies use Trade Desk to purchase programmatic</p> <p>3 advertising on behalf of NHTSA?</p> <p>4 A. Can you repeat that?</p> <p>5 Q. Does NHTSA or its ad agencies use</p> <p>6 the Trade Desk to purchase programmatic</p> <p>7 advertisements?</p> <p>8 A. Can you give me a specific time? A</p> <p>9 specific campaign?</p> <p>10 Q. Have you ever used the Trade Desk</p> <p>11 to purchase programmatic advertising?</p> <p>12 A. And I'm assuming you refer to "you"</p> <p>13 as NHTSA?</p> <p>14 Q. Correct.</p> <p>15 A. Okay.</p> <p>16 Yes, we have.</p> <p>17 Q. Why did you use the Trade Desk?</p> <p>18 A. As I explained before, that we rely</p> <p>19 on our advertising agencies, which it would</p> <p>20 include, you know, Stratacomm -- both</p> <p>21 Stratacomm's and Ad Council to provide us a</p> <p>22 recommendation. And with that recommendation,</p>

<p style="text-align: right;">Page 274</p> <p>1 after we've had discussions, we would approve it</p> <p>2 and then move forward with their</p> <p>3 recommendation.</p> <p>4 Q. Has NHTSA's use of DV360 for the</p> <p>5 vehicle campaign helped NHTSA reach its desired</p> <p>6 audience for its advertising campaigns?</p> <p>7 MR. SOSNOWSKY: Objection: form.</p> <p>8 THE WITNESS: I do not recall.</p> <p>9 BY MR. GREENBAUM:</p> <p>10 Q. Has NHTSA's use of YouTube helped</p> <p>11 NHTSA reach its desired audience for its</p> <p>12 advertising campaigns?</p> <p>13 MR. SOSNOWSKY: Objection: form.</p> <p>14 THE WITNESS: You would need to be</p> <p>15 specific about the campaign, the time.</p> <p>16 BY MR. GREENBAUM:</p> <p>17 Q. Speaking generally, do you believe</p> <p>18 that Google provides effective products for</p> <p>19 advertisers to reach their desired audience?</p> <p>20 MR. SOSNOWSKY: Objection: form.</p> <p>21 THE WITNESS: Would you repeat the</p> <p>22 question?</p>	<p style="text-align: right;">Page 276</p> <p>1 second.</p> <p>2 MR. GREENBAUM: I want to turn to</p> <p>3 Tab 3, which is NHTSA-ADS-00250045.</p> <p>4 THE WITNESS: Oh, hold on. Let me</p> <p>5 get to 3 first.</p> <p>6 MR. GREENBAUM: I'm going to mark</p> <p>7 this as Exhibit 109.</p> <p>8 --oOo--</p> <p>9 (Deposition Exhibit Number 109,</p> <p>10 E-mail string with attachment,</p> <p>11 Bates stamped</p> <p>12 NHTSA-ADS-0000250045 through</p> <p>13 NHTSA-ADS-0000250049, marked for</p> <p>14 identification, as of this date.)</p> <p>15 --oOo--</p> <p>16 THE WITNESS: Which page?</p> <p>17 BY MR. GREENBAUM:</p> <p>18 Q. The first -- let's start with the</p> <p>19 first page, the bottom e-mail -- it's actually on</p> <p>20 the second page -- from Elizabeth Nilsson.</p> <p>21 A. Oh. All right.</p> <p>22 Would you mind giving me a little</p>
<p style="text-align: right;">Page 275</p> <p>1 BY MR. GREENBAUM:</p> <p>2 Q. Do you believe that Google provides</p> <p>3 effective products for advertisers to reach their</p> <p>4 desired audience?</p> <p>5 A. I'm not in the position to make</p> <p>6 that decision.</p> <p>7 Q. Did you use DV360 for display or</p> <p>8 video ads for the vehicle campaign that we were</p> <p>9 discussing earlier?</p> <p>10 A. I don't recall.</p> <p>11 Q. Have you formed a view as to the</p> <p>12 effectiveness of DV360 as a platform to purchase</p> <p>13 advertising?</p> <p>14 A. I'm not in the position to make</p> <p>15 that decision -- or opinion.</p> <p>16 Q. Why not?</p> <p>17 A. Because we rely on our advertising</p> <p>18 agency to provide us the expertise to do that</p> <p>19 work and to provide us the appropriate</p> <p>20 recommendation for the particular audience,</p> <p>21 campaign and the time.</p> <p>22 Q. Okay. Let's put that aside for a</p>	<p style="text-align: right;">Page 277</p> <p>1 bit of time to read this?</p> <p>2 Q. Yes. Go for it.</p> <p>3 A. Thank you.</p> <p>4 (Whereupon, the witness reviews</p> <p>5 the material provided.)</p> <p>6 THE WITNESS: Okay.</p> <p>7 BY MR. GREENBAUM:</p> <p>8 Q. Okay. Have you had an opportunity</p> <p>9 to read the e-mail and the attachment?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Starting with the bottom</p> <p>12 e-mail on Friday, January 20th, 2023, the Bates</p> <p>13 ending in 046, Elizabeth Nilsson e-mails</p> <p>14 Jennifer Flanery --</p> <p>15 A. Where -- where is the 046? Which</p> <p>16 one are you referring to?</p> <p>17 Q. The next page.</p> <p>18 A. Oh, the next page.</p> <p>19 All right. Thank you.</p> <p>20 Q. -- Elizabeth Nilsson e-mails</p> <p>21 Jennifer Flanery and Travis Austin.</p> <p>22 Do both Jennifer and Travis work at</p>

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<p style="text-align: right;">Page 278</p> <p>1 Stratacomm?</p> <p>2 A. Yes.</p> <p>3 Q. And she copies you.</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. It says, Questions for Campaigns.</p> <p>7 A. Yes.</p> <p>8 Q. It says, We received a data call.</p> <p>9 What is a data call in this</p> <p>10 context?</p> <p>11 A. A request.</p> <p>12 Q. Okay.</p> <p>13 Here are two questions we need you</p> <p>14 to address by Tuesday: What is the media buy</p> <p>15 process and provide an example of (where we place</p> <p>16 the buy — tv, radio, digital, et cetera) using</p> <p>17 the impaired-driving campaign? It doesn't need</p> <p>18 to break out alcohol and drugs.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And scroll up to -- well, the prior</p> <p>22 page.</p>	<p style="text-align: right;">Page 280</p> <p>1 and impression metrics?</p> <p>2 A. No -- no. I said reach and</p> <p>3 frequency --</p> <p>4 Q. Reach and frequency?</p> <p>5 A. -- but I wouldn't necessarily</p> <p>6 phrase it that way.</p> <p>7 Q. How would you phrase it?</p> <p>8 A. Well, they're -- they're not</p> <p>9 talking about how they're going to reach the</p> <p>10 target audience, which target audience, because</p> <p>11 they were supposed to be giving an example, I</p> <p>12 believe, is the impaired -- oh, somewhere in</p> <p>13 here, it said, using the example -- I think</p> <p>14 Elizabeth may have said it in the very</p> <p>15 beginning -- by using the Impaired-Driving</p> <p>16 campaign.</p> <p>17 So they really should have been</p> <p>18 talking about how they're trying to reach the</p> <p>19 males 21 to 34 for the alcohol.</p> <p>20 I don't think it said they would</p> <p>21 have to break -- they need to break it out. So,</p> <p>22 actually, you know -- well, they would really</p>
<p style="text-align: right;">Page 279</p> <p>1 I believe Jennifer Flanery asks a</p> <p>2 clarifying question about what you need. And</p> <p>3 then, ultimately, Jennifer Flanery provides an</p> <p>4 attachment on the top e-mail and says, Attached</p> <p>5 please find a short write-up of the media</p> <p>6 research and selection process, as well as some</p> <p>7 further detail on reach and impression metrics.</p> <p>8 Do you see that?</p> <p>9 A. I do.</p> <p>10 Q. Okay. Turning to the attachment,</p> <p>11 Media Buy Process --</p> <p>12 A. Um-hum.</p> <p>13 Q. -- it says, NHTSA media buying</p> <p>14 follows a rigorous process to allocate resources</p> <p>15 to maximize efficiency and impact for each buy.</p> <p>16 Do you agree with that statement?</p> <p>17 A. Well, they left out reach and</p> <p>18 frequency.</p> <p>19 Q. So that's helpful.</p> <p>20 NHTSA -- would you agree that NHTSA</p> <p>21 media buying follows a rigorous process to</p> <p>22 allocate resources to maximize efficiency, reach</p>	<p style="text-align: right;">Page 281</p> <p>1 have to, actually.</p> <p>2 So I'll just -- for this purposes,</p> <p>3 I'll just say they should have mentioned in here</p> <p>4 that they need to be reaching our target audience</p> <p>5 with the reach and frequency that we're looking</p> <p>6 for. So they didn't really -- this is not, in my</p> <p>7 eyes, sufficient enough.</p> <p>8 Q. How would you phrase how -- how</p> <p>9 would you phrase this sentence in a way that</p> <p>10 would be broad enough to capture -- well, strike</p> <p>11 that.</p> <p>12 Do you agree that NHTSA media</p> <p>13 buying follows a rigorous process to allocate</p> <p>14 resources to maximize efficiency and impact for</p> <p>15 each buy?</p> <p>16 MR. SOSNOWSKY: Objection: form.</p> <p>17 THE WITNESS: So, as I mentioned</p> <p>18 earlier, they -- they really should have</p> <p>19 included more specifics here.</p> <p>20 BY MR. GREENBAUM:</p> <p>21 Q. Okay. But, generally, is it</p> <p>22 accurate that NHTSA tries to allocate resources</p>

<p style="text-align: right;">Page 290</p> <p>1 in writing, they're not always as clear</p> <p>2 as per -- as precise.</p> <p>3 So it would -- I would have some</p> <p>4 questions back to them.</p> <p>5 BY MR. GREENBAUM:</p> <p>6 Q. What questions would you have for</p> <p>7 them?</p> <p>8 A. That -- for instance, they say</p> <p>9 reporting because they do not rely on</p> <p>10 viewer-listener modeling for counts. I'm not</p> <p>11 really sure what they're referring to when they</p> <p>12 say viewer/listener modeling for counts.</p> <p>13 Q. Go down to the fourth line from the</p> <p>14 bottom.</p> <p>15 It says, Digital ads are also</p> <p>16 targeted by audience attributes: age, geography,</p> <p>17 interests, hobbies, et cetera.</p> <p>18 Do you disagree with that</p> <p>19 statement?</p> <p>20 A. Again, the phrasing may not be</p> <p>21 complete.</p> <p>22 Q. How is it incomplete?</p>	<p style="text-align: right;">Page 292</p> <p>1 not sure if, when they're defining what</p> <p>2 is a media buy impression, they're</p> <p>3 referring to our campaign or not.</p> <p>4 So I guess, you know, this -- this</p> <p>5 could be written more clearly.</p> <p>6 BY MR. GREENBAUM:</p> <p>7 Q. How would you write it -- how would</p> <p>8 you write it more clearly --</p> <p>9 A. Well --</p> <p>10 Q. -- to be accurate?</p> <p>11 A. -- I'm not --</p> <p>12 MR. SOSNOWSKY: Objection to form.</p> <p>13 Go ahead.</p> <p>14 THE WITNESS: -- I'm not the</p> <p>15 expert here, so I would probably have</p> <p>16 questions back to the person who wrote it</p> <p>17 to get more clarification and</p> <p>18 understanding.</p> <p>19 BY MR. GREENBAUM:</p> <p>20 Q. What questions would you have about</p> <p>21 the sentence, Campaign media buys can run via</p> <p>22 direct campaigns on websites that index high for</p>
<p style="text-align: right;">Page 291</p> <p>1 A. I think they could have written it</p> <p>2 as digital ads can target by audience. I'm not</p> <p>3 sure what "are also" means.</p> <p>4 Q. Okay. So you would agree that</p> <p>5 digital ads can be targeted by audience</p> <p>6 attributes, including age, geography, interests,</p> <p>7 hobbies?</p> <p>8 A. Yes.</p> <p>9 Q. The next sentence says, Campaign</p> <p>10 media buys can run via direct campaigns on</p> <p>11 websites that index high for the demographic or</p> <p>12 use a demand-side platform with vendors such as</p> <p>13 the Trade Desk, to target the ads to multiple</p> <p>14 sites simultaneously.</p> <p>15 Do you disagree with that</p> <p>16 statement?</p> <p>17 MR. SOSNOWSKY: Objection to form.</p> <p>18 THE WITNESS: I guess the word</p> <p>19 "campaign" kind of holds me up here,</p> <p>20 where I -- you know, it always depends</p> <p>21 with our -- with campaigns. I'm not sure</p> <p>22 if they're referring -- I believe -- I'm</p>	<p style="text-align: right;">Page 293</p> <p>1 the demographic or use a demand-side platform</p> <p>2 with vendors, such as the Trade Desk --</p> <p>3 A. So --</p> <p>4 Q. -- to target the ads to multiple</p> <p>5 sites simultaneously?</p> <p>6 A. -- so when it says the campaign</p> <p>7 media buys can run via direct campaigns, I'm not</p> <p>8 exactly sure what they're referencing there.</p> <p>9 Q. Have you ever heard the phrase</p> <p>10 "direct purchase on websites"?</p> <p>11 A. But that's -- I -- I've heard of</p> <p>12 that, but it doesn't say that here.</p> <p>13 Q. Do you agree that campaign media</p> <p>14 buys can run via direct purchases on websites</p> <p>15 that index high for the demographics or use a</p> <p>16 demand-side platform with vendors, such as the</p> <p>17 Trade Desk, to target the ads to multiple sites</p> <p>18 simultaneously?</p> <p>19 MR. SOSNOWSKY: Objection to form.</p> <p>20 THE WITNESS: Yeah. Again, I</p> <p>21 would want to go back to my expert to ask</p> <p>22 them how best to rephrase that given our</p>

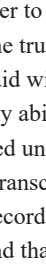


<p style="text-align: right;">Page 294</p> <p>1 campaign, because I feel like it's not</p> <p>2 quite clear here.</p> <p>3 BY MR. GREENBAUM:</p> <p>4 Q. What is not quite clear?</p> <p>5 A. As I mentioned to you earlier,</p> <p>6 where it says, Via direct campaigns on websites,</p> <p>7 I'm not really sure what they're referencing.</p> <p>8 And I would hate to surmise what they are without</p> <p>9 having speaking to them.</p> <p>10 Q. So replacing the word "campaign"</p> <p>11 with "purchase" in the following sentence . . .</p> <p>12 A. I --</p> <p>13 MR. SOSNOWSKY: That's not a</p> <p>14 question pending.</p> <p>15 BY MR. GREENBAUM:</p> <p>16 Q. Would you agree or disagree with</p> <p>17 the following statement: Campaign media buys can</p> <p>18 run via direct purchases on websites that index</p> <p>19 high for the demo- -- demographic or use a</p> <p>20 demand-side platform with vendors, such as the</p> <p>21 Trade Desk, to target the ads to multiple sites</p> <p>22 simultaneously?</p>	<p style="text-align: right;">Page 296</p> <p>1 A. -- I was just going to give it a</p> <p>2 little more context.</p> <p>3 So the campaign is broad, and</p> <p>4 especially because it's -- I believe it's in</p> <p>5 reference to our drunk driving campaign, and it</p> <p>6 has multiple target audiences. And those target</p> <p>7 audiences you can't just put in one big bucket</p> <p>8 and say all behave the same.</p> <p>9 So there are different demographics</p> <p>10 to make them more unique.</p> <p>11 Q. Would you typically rely on your</p> <p>12 advertising agency to purchase advertisements on</p> <p>13 behalf of NHTSA?</p> <p>14 MR. SOSNOWSKY: Objection: form.</p> <p>15 THE WITNESS: You're referring to</p> <p>16 our -- I guess the question would be,</p> <p>17 What are you referring to? Please be a</p> <p>18 little more specific.</p> <p>19 BY MR. GREENBAUM:</p> <p>20 Q. Would you typically rely on</p> <p>21 Stratacomm's expertise when determining to</p> <p>22 purchase advertisements on behalf of NHTSA's ad</p>
<p style="text-align: right;">Page 295</p> <p>1 MR. SOSNOWSKY: Objection: form.</p> <p>2 THE WITNESS: So, as I mentioned</p> <p>3 before, I appreciate that you're wanting</p> <p>4 to provide me a word, but I would still</p> <p>5 want to have that conversation with our</p> <p>6 -- our media buyer.</p> <p>7 BY MR. GREENBAUM:</p> <p>8 Q. And the conversation you would want</p> <p>9 to have is you would want to clarify whether they</p> <p>10 meant "campaign" or "purchase"?</p> <p>11 A. And how best to phrase that,</p> <p>12 correct.</p> <p>13 Q. And you wouldn't have any other</p> <p>14 questions regarding that sentence?</p> <p>15 MR. SOSNOWSKY: Objection to form.</p> <p>16 THE WITNESS: So, again, it's not</p> <p>17 very specific here because it says, For</p> <p>18 the demographic.</p> <p>19 I'm not sure if it's one</p> <p>20 demographic or multiple demographics --</p> <p>21 BY MR. GREENBAUM:</p> <p>22 Q. Do you -- please continue.</p>	<p style="text-align: right;">Page 297</p> <p>1 campaigns?</p> <p>2 MR. SOSNOWSKY: Objection to form.</p> <p>3 THE WITNESS: Yes, we -- we do</p> <p>4 rely on -- in this case, you mentioned</p> <p>5 Stratacomm -- Stratacomm's expertise with</p> <p>6 media buying to provide us a</p> <p>7 recommendation. We do have conversations</p> <p>8 with them and questions.</p> <p>9 And once they're fully answered</p> <p>10 and we feel comfortable with that, then</p> <p>11 they will move to be developing a media</p> <p>12 buy recommendation for us.</p> <p>13 BY MR. GREENBAUM:</p> <p>14 Q. And is it accurate that Stratacomm</p> <p>15 told you that campaign media buys can run via</p> <p>16 direct campaigns on websites that index high for</p> <p>17 the demographic or use a demand-side platform</p> <p>18 with vendors, such as the Trade Desk, to target</p> <p>19 the ads to multiple sites simultaneously?</p> <p>20 MR. SOSNOWSKY: Objection to form.</p> <p>21 THE WITNESS: So, in this case --</p> <p>22 sometimes people don't write very</p>

75 (Pages 294 - 297)



<p style="text-align: right;">Page 298</p> <p>1 clearly. And I feel, in this case, it</p> <p>2 probably wasn't as clear as it could have</p> <p>3 been. And, again, that's why we would go</p> <p>4 back and just ask them for more</p> <p>5 clarification.</p> <p>6 BY MR. GREENBAUM:</p> <p>7 Q. Did Stratacomm tell you that</p> <p>8 campaign media buys can run via direct campaigns</p> <p>9 on websites that index high for the demographic</p> <p>10 or use a demand-side platform with vendors, such</p> <p>11 as the Trade Desk, to target the ads to sites</p> <p>12 simultaneously?</p> <p>13 MR. SOSNOWSKY: Objection to form.</p> <p>14 THE WITNESS: Yes, that's what</p> <p>15 they wrote.</p> <p>16 MR. GREENBAUM: Let's turn to</p> <p>17 Tab 4, which I'm going to mark as</p> <p>18 Exhibit 110. It's with Bates ending --</p> <p>19 the Bates number is NHTSA-ADS-00328452.</p> <p>20 --oOo--</p> <p>21 (Deposition Exhibit Number 110,</p> <p>22 E-mail with attachment, Bates</p>	<p style="text-align: right;">Page 300</p> <p>1 Q. Can you remind me who Julie Vallese</p> <p>2 is?</p> <p>3 A. Julie Vallese --</p> <p>4 Q. Vallese.</p> <p>5 A. -- is my boss.</p> <p>6 Q. Okay. And you are -- it's accurate</p> <p>7 to say that the attachment, Media Buy Process,</p> <p>8 slightly differs from the attachment that we</p> <p>9 previously looked at in Exhibit 109, which</p> <p>10 Stratacomm sent to you?</p> <p>11 MR. SOSNOWSKY: Objection to form.</p> <p>12 THE WITNESS: I have not been able</p> <p>13 to compare it word for word.</p> <p>14 BY MR. GREENBAUM:</p> <p>15 Q. The attachment -- if we compare</p> <p>16 Tabs 3 to Tabs 4 -- have a different number of</p> <p>17 pages -- is that correct -- between Tabs 3 and 4?</p> <p>18 (Whereupon, the witness reviews</p> <p>19 the material provided.)</p> <p>20 THE WITNESS: I see the same,</p> <p>21 unless I'm counting incorrectly. I see</p> <p>22 one, two, three and then one, two, three.</p>
<p style="text-align: right;">Page 299</p> <p>1 stamped NHTSA-ADS-0000328452</p> <p>2 through NHTSA-ADS-0000328455,</p> <p>3 marked for identification, as of</p> <p>4 this date.)</p> <p>5 --oOo--</p> <p>6 BY MR. GREENBAUM:</p> <p>7 Q. Now, this is an e-mail from you to</p> <p>8 Julie Vallese on January 24th, 2023 at 5:14 p.m.</p> <p>9 Do you see that?</p> <p>10 A. Yes, I do.</p> <p>11 Q. And you attach a document called</p> <p>12 NHTSA Media Process 12423; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And take a look at the attachment.</p> <p>15 And you can take your time to read</p> <p>16 through it again.</p> <p>17 (Whereupon, the witness reviews</p> <p>18 the material provided.)</p> <p>19 BY MR. GREENBAUM:</p> <p>20 Q. Have you had an opportunity to read</p> <p>21 the attachment?</p> <p>22 A. I have. Thank you.</p>	<p style="text-align: right;">Page 301</p> <p>1 Am I missing something?</p> <p>2 BY MR. GREENBAUM:</p> <p>3 Q. Do you see on Tab 4, at the bottom</p> <p>4 of Bates ending in 328453, it says, What is a</p> <p>5 media buy impression?</p> <p>6 A. No.</p> <p>7 Where is that again?</p> <p>8 Q. Tab 4, NHTSA-ADS ending in 328453.</p> <p>9 A. Okay.</p> <p>10 Q. It says, What is media buy</p> <p>11 impression?</p> <p>12 A. Oh. Down here at the bottom.</p> <p>13 Yes.</p> <p>14 Q. And if we compare that to Tab 3, it</p> <p>15 says, at the top, the same title -- What is media</p> <p>16 buy impression -- appears at the top of 250048 --</p> <p>17 A. Okay.</p> <p>18 Q. -- is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And the attachment in Tab 3</p> <p>21 is called data -- [as read] Data Call — NHTSA</p> <p>22 Media Process.docx, right?</p>

Page 426	Page 428																																																																																										
<div style="text-align: center;">C E R T I F I C A T E</div> <p>I, Cindy L. Sebo, Nationally Certified Court Reporter herein do hereby certify that the foregoing deposition of SUSAN A. MCMEEN was taken before me pursuant to notice; that said witness was duly sworn remotely by a certified stenographer to tell the truth, the whole truth, and nothing but the truth under penalty of perjury; that the testimony of said witness was correctly recorded to the best of my ability in machine shorthand and thereafter transcribed under my supervision with computer-aided transcription; that the deposition is a true and accurate record of the testimony given by the witness; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.</p> <div style="text-align: center;">   Cindy L. Sebo, RMR, CRR, RPR, CSR, CCR, CLR, RSA, NYRCR, NYACR, CA CSR #14409, NJ CCR 30XI00244600, NJ CRT 30XR00019500, Washington CSR 23005926, Oregon State 230105, TN CSR 998, NM CSR 589, Remote Counsel Reporter, LiveLitigation Authorized Reporter, Notary Public </div>	<div style="text-align: center;">E R R A T A</div> <p>WITNESS: SUSAN A. MCMEEN</p> <p>DATE: September 7, 2023</p> <p>CAPTION: United States, et al. versus Google LLC</p> <p>PAGE LINE REASON FOR CHANGE:</p> <table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 10%;">6</td><td style="width: 10%;">_____</td><td style="width: 10%;">_____</td><td style="width: 10%;">_____</td></tr> <tr><td>7</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>8</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>9</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>10</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>11</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>12</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>13</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>14</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>15</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>16</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>17</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>18</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>19</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>20</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>21</td><td>_____</td><td>_____</td><td>_____</td></tr> <tr><td>22</td><td>DATE</td><td colspan="2">SUSAN A. MCMEEN</td></tr> </table>	6	_____	_____	_____	7	_____	_____	_____	8	_____	_____	_____	9	_____	_____	_____	10	_____	_____	_____	11	_____	_____	_____	12	_____	_____	_____	13	_____	_____	_____	14	_____	_____	_____	15	_____	_____	_____	16	_____	_____	_____	17	_____	_____	_____	18	_____	_____	_____	19	_____	_____	_____	20	_____	_____	_____	21	_____	_____	_____	22	DATE	SUSAN A. MCMEEN																							
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